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Thursday
December 31, 1981

KANSAS SUPREME COURT

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Highlights

63478 **Incorporation by Reference** OFR approves certain materials in Titles 7 through 16 and corrects certain materials in Title 46. (Part II of this issue).

63327 **Grant Programs—Health** VA proposes requirements for scholarship awards under Health Professional Scholarship Program.

63393 **Grant Programs—Refugee Resettlement** HHS/SSA announces proposed funding of project grants for services in high-impact areas.

63223 **Grant Programs—Space Exploration** NASA issues rule on grants and cooperative agreements with educational institutions and other nonprofit organizations.

63259 **Grant Programs—Juvenile Delinquency** Justice/JJDPO issues rules for formula grants program.

63326 **Income Tax** Treasury/IRS proposes rules on issuance of tax-exempt bonds for acquisition of qualified mass commuting vehicles.

63256 Treasury/IRS issues temporary rules on leases for qualified mass commuting vehicles and new reporting requirements for all safe harbor leases.

63268 **Pensions** PBGC amends rules for determining expected retirement age for certain plan participants.

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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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63273 **Medicare** HHS/HCFA amends rules on determination of reasonable charges for services.

63385 HHS/HCFA requests comments on study of methods for improving coverage of registered dieticians' services and respiratory therapy services provided by home health agencies.

63385 HHS/HCFA requests comments on study of methods for improving foot care services coverage.

63389 HHS/HCFA announces monthly actuarial and premium rates for aged and disabled enrollees in the Supplementary Medical Insurance Program, and announces monthly hospital insurance premium for uninsured aged. (2 documents)

63255 **Securities** SEC establishes ceiling on debt security amounts that can be exempt from provisions of the Trust Indenture Act of 1939.

63254 SEC defers effective date of quarterly reporting requirements for smaller life insurance companies whose shares are not actively traded.

63252 SEC publishes bulletin on application of existing financial accounting standards to certain business combinations.

63447 **Treasury Notes—Series K-1985** Treasury announces interest rate of 14⅛ percent per annum.

63364 **Imports** Commerce/ITA issues preliminary determination of sales at less than fair value for high power microwave amplifiers and components from Japan.

63361 **Forests** USDA/FS requests comments on goals for the 1985 Resources Planning Act Program.

63272 **Procurement** EPA abolishes guidelines on cost sharing contracts.

63322 **Visas** ICA proposes to establish criteria for use of J-1 visa for exchange-visitor program.

63368 **Utilities** DOE/BPA changes effective date for certain revised wholesale power rates.

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63448 **Sunshine Act Meetings**

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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 Chs. I and XXVIII

Food Safety and Inspection Service

9 CFR Ch. III

Transfer and Redesignation of Department of Agriculture Regulations

AGENCY: Agricultural Marketing Service and Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: On June 17, 1981, the Secretary of Agriculture announced a reorganization of the Department of Agriculture. As part of this reorganization, certain functions which pertain to grading, standardization and voluntary inspection of fruit, vegetable, meat, poultry, eggs, egg products, and dairy products formerly administered by the Food Safety and Quality Service were transferred to and are now administered by the Agricultural Marketing Service. The Food Safety and Quality Service was renamed the Food Safety and Inspection Service. This final rule amends Titles 7 and 9 of the Code of Federal Regulations by transferring and redesignating the pertinent regulations to reflect the changes in program administration made by the reorganization.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT:
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S. Paul Ragan, Director, Regulations Office, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–3317

SUPPLEMENTARY INFORMATION: On June 17, 1981, Secretary Block of the Department of Agriculture issued Secretary's Memorandum 1000–1 announcing the reorganization of the Department. The reorganization and the corresponding delegations of authority were published in the **Federal Register** on September 30, 1981 (46 FR 47747–47757).

As part of this reorganization, it was determined that those functions then being administered by the Food Safety and Quality Service (FSQS) relating to grading and standardization activities and voluntary inspection of egg products and administration of the Egg Products Inspection Act were more logically associated with other marketing functions and, therefore, should be administered by the Agricultural Marketing Service (AMS).

Pursuant to this determination, the Secretary of Agriculture directed that the functions relating to grading and standardization activities and voluntary inspection of egg products, and administration of the Egg Products Inspection Act be transferred from FSQS to AMS. The Secretary further directed that FSQS be renamed the Food Safety and Inspection Service (FSIS).

The regulations involved currently appear in Chapter XXVIII of Title 7 under the Food Safety and Quality Service (now renamed the Food Safety and Inspection Service). The authority to administer those regulations was at that time delegated to the Administrator of the Food Safety and Inspection Service, pursuant to 7 CFR 2.92(a). The regulations currently administered by the Agricultural Marketing Service are found at Chapter I of Title 7 of the Code of Federal Regulations.

Pursuant to the Department reorganization and the transfer of the previously specified functions from FSQS to AMS, the Department is adopting this final rule which transfers and redesignates those regulations currently codified in Chapter XXVIII of Title 7 of the CFR under FSQS to Chapter I of Title 7 of the CFR under AMS. Furthermore, this rule transfers and redesignates Subchapter F of Chapter XXVIII of Title 7 to Subchapter D Chapter III of Title 9.

Title 7 of the Code of Federal Regulations is amended as follows:

PART 2850—RULES OF PRACTICE GOVERNING WITHDRAWAL OF INSPECTION AND GRADING SERVICES [REMOVED]

1. Part 2850 is removed.

2. Parts 2842, 2843, 2851, 2852, 2853, 2855, 2856, 2858, 2859, 2870, and 2880 of Chapter XXVIII are transferred to Chapter I and redesignated as follows:

CHAPTER I—AGRICULTURAL MARKETING SERVICE

Subchapter A—Commodity Standards and Standard Container Regulations

* * * * *

Old Part Ch. XXVIII and New Part, Ch. I

2842—42 Standards for Condition of Food Containers
2843—43 Standards for Sampling Plans

* * * * *

Subchapter C—Regulations and Standards Under the Agricultural Marketing Act of 1946

Old and New

2851—51 Fresh Fruits, Vegetables, and Other Products (Inspection, Certification, and Standards)
2852—52 Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products
2853—54 Meats, Prepared Meats, and Meat Products (Grading Certification, and Standards)
2855—55 Voluntary Inspection of Egg Products and Grading
2856—56 Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs
2858—58 Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products
2859—59 Inspection of Eggs and Egg Products (Egg Products Inspection Act of 1970)
2870—70 Voluntary Grading of Poultry Products and Rabbit Products and U.S. Classes, Standards, and Grades

Subchapter D—Export and Domestic Consumption Programs

Old and New

2880—80 Fresh Irish Potatoes

3. Wherever the name "Food Safety and Quality Service" or "FSQS" appears within the new Parts 42 through 80 change it to read "Agricultural Marketing Service" or "AMS", respectively.

4. In Title 7 of the Code of Federal Regulations, Subchapter F and its Parts 2890–2899 are removed and redesignated as a new Subchapter D, Parts 390–399, of

Chapter III, Title 9, of the Code of Federal Regulations.

Part 2890 of Title 7 is redesignated as Part 390 of Title 9.

5. Chapter XXVIII of Title 7 is vacated.

Furthermore, Title 9 of the Code of Federal Regulations is amended as follows:

1. In the first sentence of the new § 390.2 (9 CFR 390.2), the words "Chapter XXVIII, Title 7 and" are removed.

2. Wherever the name "Food Safety and Quality Service" on "FSQS" appears within 9 CFR Chapter III, Parts 301–335, 350, 351, 355, 362, 381, and 390 (formerly Title 7, Part 2890), change it to read "Food Safety and Inspection Service" or "FSIS", respectively.

(This final rule is issued pursuant to 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

It has been determined that publication of this rule as a proposal for public comment is unnecessary since this final rule merely redesignates existing regulations.

Done at Washington, D.C. on: December 24, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Inspection Services.

[FR Doc. 81-37220 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 907

[Navel Orange Reg. 534]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 1–January 7, 1982. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: January 1, 1982.

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

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on October 6, 1981. The committee met again publicly on December 29, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is easier.

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

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

1. Section 907.834 is added as follows:

§ 907.834 Navel orange regulation 534.

The quantities of navel oranges grown in Arizona and California which may be handled during the period January 1, 1982, through January 7, 1982, are established as follows:

(1) District 1: 650,000 cartons;

(2) District 2: 56,502 cartons;

(3) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

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

Dated: December 30, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-37471 Filed 12-30-81; 3:50 pm]

BILLING CODE 3410-02-M

7 CFR Part 910

[Lemon Reg. 340]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period January 3–9, 1982. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: January 3, 1982.

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

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. The committee met again publicly on December 29, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

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

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

Section 910.640 is added as follows:

§ 910.640 Lemon regulation 340.

The quantity of lemons grown in California and Arizona which may be handled during the period January 3, 1982, through January 9, 1982, is established at 240,000 cartons.

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

Dated: December 30, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-37470 Filed 12-30-81; 3:50 pm]

BILLING CODE 3410-02-M

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7 CFR Part 1106

[Milk Order No. 106]

Milk in the Oklahoma Metropolitan Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends certain provisions concerning the shipping requirements for supply plants and the limits on the amount of milk from individual producers that may be diverted directly to nonpool plants and still be priced under the order. For the month of December 1981, the suspension reduces the amount of milk that a supply plant must ship to pool distributing plants in order to qualify as a pool plant. Also, the amount of milk that may be moved directly from farms to nonpool plants for manufacturing is increased. The suspension was requested by a cooperative association because of increased milk production and decreased fluid milk sales due to school closings during the Christmas holidays. The suspension is needed to assure the efficient disposition of reserve milk supplies that are now available and to assure that dairy farmers who have regularly supplied the fluid milk needs of the market will continue to have their milk pooled and priced under the order.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4824.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the issuance of the suspension on the timely basis that is necessary to make the suspension effective for the month of December 1981. The initial request for the action was received on December 17, 1981.

It has been determined that this action would not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area.

After consideration of all relevant information it is hereby found and determined that for the month of December 1981 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1106.7(b), that part of the provisions that reads "in an amount not less than 50 percent of milk received at the supply plant from dairy farmers who would be eligible as producers under §1106.12 if such plant qualifies pursuant to this paragraph and milk of such dairy farmers diverted from such plant by the plant operator".

2. In § 1106.13(e)(1), that part of the provisions that reads ", subject to the conditions of paragraph (e)(3) of this section, a total quantity of milk not in excess of total" and "received at all pool plants during the month. Diversions in excess of such quantity shall not be eligible under this section and the diverting cooperative shall specify the dairy farmers whose diverted milk is not so eligible. If the cooperative association fails to designate such person, status under this section shall be forefeited with respect to all milk diverted by such cooperative association".

3. In § 1106.13(e)(2), that part of the provisions that reads ", subject to the conditions of paragraph (e)(3) of this section," and ", in a total quantity not in excess of the milk of producers not members of such cooperative association received at such pool plant(s) during the month. Milk diverted in excess of such quantity shall not be eligible under this section and the diverting handler shall specify the dairy farmers whose diverted milk is not so eligible. If a handler fails to designate such persons, status under this section shall be forfeited with respect to all milk diverted by such handler".

4. In § 1106.13, paragraph (e)(3).

Statement of Consideration

This action reduces the amount of milk that supply plants must ship to pool distributing plants to attain pool plant status under the order. Under the suspension, a supply plant needs to make but one shipment to a pool distributing plant to qualify as a pool plant.

The action also increases the amount of milk that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. Without the suspension, diversions would be limited to producers who deliver not less than 15 percent of their producer milk to pool plants. In addition, diversions to nonpool plants by proprietary handlers and cooperatives could not exceed the quantity of milk received at pool plants.

This action was requested by a cooperative association that represents producers supplying the market. The cooperative indicated that the suspension is needed primarily because

of a decline in Class I sales to schools as the result of school closings for the Christmas holidays. In addition to reduced fluid milk sales, increased production by producers is contributing to the cooperative's problems in marketing the available supplies of milk. In the absence of any suspension action, the cooperative indicates that it would be necessary to make costly and inefficient movements of milk solely for the purpose of pooling the milk of dairy farmers who have regularly supplied the fluid milk needs of the market.

The suspension is supported by a second cooperative association, by the operator of a pool supply plant and by the operator of a pool distributing plant on the basis that the action would facilitate the orderly and efficient disposition of milk supplies that are in excess of the anticipated fluid milk requirements of distributing plants. In addition, other interested parties were notified by the proponent cooperative that it intended to request this suspension action. None of these parties expressed any opposition to the requested suspension.

In view of the circumstances, the aforesaid provisions should be suspended to ensure the orderly marketing of milk supplies that are in excess of fluid milk requirements. Without the suspension, some milk not needed for bottling use would be shipped to distributing plants from supply plants and then be shipped to manufacturing plants for surplus disposal. Also, the milk of certain dairy farmers that is in excess of fluid milk needs would be shipped to pool plants for reshipment to manufacturing plants rather than being shipped directly from the farm to manufacturing plants. Both of these actions would represent costly and inefficient movements of milk.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the action will assist handlers in disposing of reserve milk supplies that are now available and will allow dairy farmers who have regularly supplied the fluid milk needs of the market to maintain producer status under the order; and

(b) This suspension eases restrictions and does not require of persons affected substantial or extensive preparation prior to the effective date.

Therefore, good cause exists for making this order effective December 31, 1981.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of December 1981.

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

Effective date: December 31, 1981.

Signed at Washington, D.C., on December 24, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-37351 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 52

Dourine in Horses and Asses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document removes Part 52 from the regulations in Title 9, Code of Federal Regulations, governing appraisal of and compensation for animals destroyed because of dourine. This action removes regulations no longer deemed necessary because the regulations in 9 CFR Part 53 can be used to appraise animals and compensate the owners for destruction of the animals in order to prevent the spread of and to aid in the eradication of dourine.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. W. W. Buisch, USDA, APHIS, VS, Federal Building, Room 748, Hyattsville, MD 20782, 301–436–8073.

SUPPLEMENTARY INFORMATION: This action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." The Department has determined that this rule will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and should have no adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action removes the regulations which provide a means by which owners of animals infected with dourine can receive compensation from the Department on account of the destruction of said animals. The United States has been free of dourine since 1946, and import requirements have proven adequate to prevent the introduction of the disease into the United States. Additionally, if an animal becomes infected with dourine, appraisal of and compensation to the owner for the discharge of all claims the owner may have against the Department on account of the destruction of the animals, can be made pursuant to 9 CFR Part 53.

On Tuesday, July 28, 1981, there was published in the **Federal Register** (46 FR 38524–38525), a proposed amendment to remove Part 52 from Title 9, Code of Federal Regulations. A 60-day comment period was provided for receipt of comments which expired on September 28, 1981. No comments were received.

The alternative to this final rule would be to not remove Part 52 from Title 9, Code of Federal Regulations. However, test procedures have proven adequate to prevent the entry of dourine and the United States has been free of dourine for 34 years. Additionally, Part 53, 9 CFR, can be used in appropriate circumstances to provide for appraisal of and compensation to the owners of animals infected with dourine that are destroyed pursuant to the regulations.

The factual situation which was set forth in the document of July 28, 1981, still provides a basis for the amendment, and therefore, the Department is amending the regulation as proposed.

PART 52—[RESERVED]

Accordingly, Title 9, Code of Federal Regulations, is amended by removing Part 52, and Part 52 is reserved.

(Sec. 3, 23 Stat. 32, as amended; sec. 2, 32 Stat. 792, as amended; sec. 11, 58 Stat. 734, as amended; (21 U.S.C. 111, 114, 114a); 37 FR 28464, 28477; 38 FR 19141)

Done at Washington, D.C., this 28th day of December 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-37353 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 94

[Docket No. 81-098]

Change in Disease Status of Great Britain (England, Scotland, Wales, and Isle of Man) Because of Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document adds Great Britain (England, Scotland, Wales, and Isle of Man) to the list of countries declared to be free of rinderpest and foot-and-mouth disease. Data furnished to the Department establishes that foot-and-mouth disease has been eradicated from Great Britain (England, Scotland, Wales, and Isle of Man). This action is necessary to permit importation of cattle, sheep, or other ruminants, or swine, or fresh, chilled or frozen meats of such animals into the United States from Great Britain (England, Scotland, Wales, and Isle of Man).

DATES: Effective date: December 31, 1981. Comments on or before March 1, 1982.

ADDRESS: Written comments should be submitted to the Deputy Administrator, Veterinary Services, APHIS, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Import/Export Animals and Products Staff, Room 821, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8530.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This emergency action has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this rule will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and should have no adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The emergency nature of this action makes it impracticable to follow the procedures of Executive Order 12291 with respect to this action.

Dr. E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication of this interim rule without opportunity for a public comment at this time. These amendments relieve restrictions on the importation of cattle, sheep, or other ruminants, or swine, or fresh, chilled, or frozen meats of such animals into the United States from Great Britain (England, Scotland, Wales, and Isle of Man) because it has been found to be free of foot-and-mouth disease. Therefore, these amendments should be made effective immediately, on an interim basis, in order to relieve restrictions presently imposed but no longer necessary to prevent the introduction and dissemination of the contagion of foot-and-mouth disease into the United States.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency action effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action will lift restrictions that were imposed on March 25, 1981, on the importation of cattle, sheep, or other ruminants, or swine, or fresh, chilled, or frozen meats and other products of such animals into the United States from Great Britain (England, Scotland, Wales, and Isle of Man). In recent years approximately 50–100 cattle, sheep, other ruminants and swine have been imported from Great Britain into the United States annually. Further, in recent years there has been no fresh, chilled, or frozen meat of such animals and a negligible quality of other animal products imported into the United States from Great Britain. Therefore, it does not appear that this action will have a significant economic impact on a substantial number of small entities.

Background

On March 21, 1981, the Isle of Wight (part of Great Britain), was determined to be infected with foot-and-mouth disease. This was based upon laboratory confirmation of the presence of the disease. Foot-and-mouth disease is a dangerous and destructive communicable disease of ruminants and swine. The morbidity rate within a herd approaches 100 percent. Consequently, it was necessary to remove Great Britain from the list of countries determined to be free of rinderpest and foot-and-mouth disease.

On Wednesday, April 1, 1981, there was published in the **Federal Register** (46 FR 19817) amendments to 9 CFR Part 94 which, among other things, removed Great Britain (England, Scotland, Wales, and Isle of Man) from the list of countries which are declared to be free of rinderpest and foot-and-mouth disease.

Veterinary Services has reviewed all the pertinent information and documents submitted by the authorities of Great Britain (England, Scotland, Wales, and Isle of Man) in support of its position that the country is free of foot-and-mouth disease, and has concluded that Great Britain (England, Scotland, Wales, and Isle of Man) qualifies for listing as a country declared to be free of rinderpest and foot-and-mouth disease in § 94.1(a)(2) of the regulations.

However, Great Britain (England, Scotland, Wales, and Isle of Man) supplements its national meat supply through importations of fresh, chilled, or frozen meat of ruminants and swine from countries designated in § 94.1(a) of the regulations to be infected with rinderpest or foot-and-mouth disease. It also imports ruminants and swine from countries designated as infected with rinderpest or foot-and-mouth disease under conditions less restrictive than would be acceptable for importation into the United States. Thus, even though this document designates Great Britain (England, Scotland, Wales, and the Isle of Man) as free of rinderpest and foot-and-mouth disease, the meat and other animal products produced in Great Britain (England, Scotland, Wales, and Isle of Man) may be commingled with the meat and other animal products produced from an infected country, resulting in an undue risk of introducing rinderpest or foot-and-mouth disease into the United States. Therefore, meat of ruminants or swine and other animal products from Great Britain (England, Scotland, Wales, and Isle of Man) should be imported into the United States only under the restrictions specified in § 94.11(a) of the regulations.

Two other alternatives to these amendments were considered.

1. Not to amend the list of countries declared to be free of rinderpest and foot-and-mouth disease. This alternative was not adopted because the pertinent information and documents reviewed by Veterinary Services indicates that Great Britain qualifies for listing as a country declared to be free of rinderpest and foot-and-mouth disease. In light of the qualification of Great Britain as a

country free of rinderpest and foot-and-mouth disease, the failure to place Great Britain on the list of countries declared to be free of rinderpest and foot-and-mouth disease would result in unnecessary and unjustified restrictions upon the entry into the United States of cattle, sheep, or other ruminants, or swine, or fresh, chilled or frozen meat of such animals from Great Britain.

2. Not to amend the list of countries declared to be free of rinderpest and foot-and-mouth disease until one year after receiving information that Great Britain qualified for listing as a country declared to be free of rinderpest and foot-and-mouth disease.

The outbreak of foot-and-mouth disease which resulted in the removal of Great Britain from the list of countries free from rinderpest and foot-and-mouth disease occurred on March 19, 1981, and the evidence indicates the disease has been eradicated. Further, the outbreak of foot-and-mouth disease occurred on the Isle of Wight, a small isolated island, which is part of Great Britain. These two factors, the evidence that the disease was eradicated quickly and the isolated nature of the area of Great Britain in which the outbreak occurred, constitutes the factual basis for the Departments' rejection of this second alternative.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMONENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND REGISTERED IMPORTATIONS

Accordingly, Part 94, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

§ 94.1 [Amended]

1. In § 94.1 paragraph (a)(2) is amended by inserting "Great Britain (England, Scotland, Wales, and Isle of Man)" between "Finland" and "Greenland."

§ 94.11 [Amended]

2. In § 94.11 paragraph (a) is amended by inserting "Great Britain (England, Scotland, Wales, and Isle of Man)" between "Finland" and "Japan."

(Sec. 2, 32 Stat. 792, as amended; sec. 306, 46 Stat. 689, as amended; secs. 4 and 11, 76 Stat. 130, 132; 19 U.S.C. 1306; 21 U.S.C. 111, 134c, 134f; 37 FR 28464, 28477; 38 FR 19141)

All written submissions made pursuant to this interim rule will be made available for public inspection at the Federal Building, Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27 (b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this 28th day of December, 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-37352 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Codes and Standards for Nuclear Power Plants; ASME Boiler and Pressure Vessel Code; Incorporation by Reference

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations to incorporate by reference new addenda of the ASME Boiler and Pressure Vessel Code. The sections of the ASME Code being incorporated provide rules for the construction of nuclear power plant components and specify requirements for inservice inspection of those components. Adoption of these amendments will permit the use of improved methods for construction and inservice inspection of nuclear power plants.

EFFECTIVE DATE: February 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. E. Baker, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 443-5892.

SUPPLEMENTARY INFORMATION: On July 27, 1981 the Nuclear Regulatory Commission published in the **Federal Register** (46 FR 38374) proposed amendments to its regulation, 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities." The proposed amendments revised § 50.55a to incorporate by reference the Winter 1979 Addenda, 1980 Edition, Summer 1980 Addenda, and the Winter 1980 Addenda of section III and the Winter 1979 Addenda, the 1980 Edition, and the Winter 1980 Addenda to section XI of the ASME Boiler and Pressure Vessel Code.

The incorporation of the new edition and addenda does not change any of the previous supplementary requirements included in the regulation. Until the ASME Code adds current requirements for inspecting the residual heat removal and emergency core cooling systems, the regulation will continue to require that these systems be inspected to the provisions cited in § 50.55a(b)(2)(iv).

One comment was received on the proposed rule. It recommended that § 50.55a(b)(2)(i) be revised to reflect the updated incorporation by reference of the ASME Boiler and Pressure Vessel Code, as stated in § 50.55a(b)(2). The reason given for recommending the revision was that § 50.55a(b)(2)(i) was being interpreted as prohibiting the use of addenda that were published and incorporated subsequent to the Summer 1978 Addenda to the 1977 Edition of the code.

As a result of the comment the title and the body of § 50.55a(b)(2)(i) were editorally revised to clarify them.

Some of the changes effected in the addenda which are incorporated through the adoption of the amendments are:

1. Section XI requires that a system hydrostatic test be performed after all inservice repairs and replacements to Class 1 systems and components.

2. Section III requires that there be some method of remotely monitoring the position of pressure relief devices.

3. Both sections III and XI allow the practical exam, required for Nondestructive Examination (NDE) qualification, to be given by the American Society for Nondestructive Testing (ASNT) rather than the employer.

4. Section III requires that licensees meet the requirements of the national standard, ANSI/ASME N626.3-1979 "Qualification and Duties of Personnel Engaged in ASME Boiler and Pressure Vessel Code, Section III, Divisions 1 and 2, Certifying Activities."

Interested person were invited to submit written comments for consideration in connection with the proposed amendment by September 10, 1981. One editorial comment was received and the paragraphs addressing the effective edition and addenda of the ASME Code were added to the preamble in response to the comment. The Commission has adopted the proposed amendment with a minor editorial revision to accommodate the incorporation by reference of the ASME Code.

Paperwork Reduction Act Statement

The recordkeeping requirements contained in this Regulation have been approved by the Office of Management and Budget; OMB approval No. 3150-0011.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since these companies are dominant in their service areas, this rule does not fall within the purview of the Act.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 50 are published as a document subject to codification.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended; (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955; (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended; (42 U.S.C. 2273). § 50.54(i) issued under sec. 161i, 68 Stat. 949; (42 U.S.C. 2201(i)). §§ 50.70, 50.71 and 50.78 issued under sec. 161i, 68 Stat. 950, as amended; (42 U.S.C. 2201(o)) and the laws referred to in Appendices.

2. In § 50.55a, paragraph (b)(1) is revised, the introductory text of paragraph (b)(2) is revised, and paragraph (b)(2)(i) is revised to read as follows:

§ 50.55a Codes and standards.

* * * * *

(b) * * *

(1) As used in this section, references to section III of the ASME Boiler and Pressure Vessel Code refer to section III, Division 1, and include editions through the 1980 Edition and addenda through the Winter 1980 Addenda.

(2) As used in this section, references to section XI of the ASME Boiler and Pressure Vessel Code refer to section XI, Division 1 and include editions through the 1980 Edition and addenda through the Winter 1980 Addenda, subject to the following limitations and modifications:

(i) "Limitations on specific editions and addenda." When applying the 1974 Edition, only the addenda through the Summer 1975 Addenda may be used. When applying the 1977 Edition, all of the addenda through the Summer 1978 Addenda must also be used. Addenda and editions subsequent to the Summer 1978 Addenda, that are incorporated by reference in paragraph (b)(2) of this section are not affected by these limitations.

Dated at Bethesda, MD this 8th day of December 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-37292 Filed 12-30-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

10 CFR Chs. II and III

OMB Control Numbers; Reporting or Recordkeeping Requirements

AGENCY: Department of Energy.

ACTION: Technical amendments.

SUMMARY: This document amends Department of Energy regulations to include OMB control numbers at the places in the regulations where current reporting or recordkeeping requirements are described. It also removes obsolete references to previous GAO or OMB approvals of information collection requirements.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Laurie R. Garnand Ford, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Room 6A–230, Washington, D.C. 20585, (202) 252–8618.

SUPPLEMENTARY INFORMATION:

A. Paperwork Reduction Act.

The Paperwork Reduction Act (44 U.S.C. 3501 et seq.) requires that all agencies obtain approval of the Director of the Office of Management and Budget (OMB) prior to making an information collection request or imposing a recordkeeping requirement. Section 3504(c)(3)(A) requires the Director to ensure that all information collection requests and recordkeeping requirements display a control number. Section 3507(f) declares that an agency shall not engage in a collection of information without obtaining from the Director a control number to be displayed on the information request. Approval numbers which have been obtained are listed below.

B. Text of the Amendments.

For the reasons set forth in the preamble, the following regulations in Title 10 of the Code of Federal Regulations are hereby amended as follows: After the text of each regulation cited in the first column of the table, add parenthetically the corresponding OMB number listed in the second column.

CFR citation	OMB control No.
10 CFR Part 796, 10 CFR 796.99	1901-0244
10 CFR Part 797, 10 CFR 797.60	1901-0225
10 CFR 799.7(a)(9), 10 CFR 799.15	1904-0028
10 CFR 210.1	1903-0073
10 CFR 211.69(g)(3)	1903-0073
10 CFR Appendix A, Standby Regulation 211-1 Para. 5(a)(4)(i)	1903-0074
10 CFR Appendix A, Standby Regulation 211-1 Para. 5(i)(1)	1903-0074
10 CFR Appendix A, Standby Regulation 211-1 Para. 6(b)	1903-0074
10 CFR Appendix A, Standby Regulation 211-1 Para. 6(c)	1903-0074
10 CFR 212.78	1903-0069
10 CFR Appendix A, Standby Regulation 212-1 Para. 3(b)(7)	1903-0074
10 CFR 213.6	1903-0073
10 CFR 221.36	1903-0073
10 CFR Parts 500, 501, 503, 504, & 515	1903-0075
10 CFR 209.24	1905-0079
10 CFR 209.34	1905-0067
10 CFR 213.23	1903-0054
10 CFR 205.351	1903-0045
10 CFR 205 Subpart W, 10 CFR 205.308	1901-0245
10 CFR 205.377	1904-0066
41 CFR 9-9.107-5(a) para. (e)(2)(i)(ii)(iii)	1901-0246
41 CFR 9-9.109-6(c)(7)	1901-0246
41 CFR 9-9.109-6(i)(5)(ii)	1901-0246
41 CFR 9-9.109-6(ii)	1901-0246
10 CFR 781.51(b)(6)	1902-0232
41 CFR 9-9.109-5(a) para. f	1901-0246
41 CFR 9-9.107-5(a) para. (e)(1)	1901-0246
10 CFR 781.52, 10 CFR 781.52(i)	1901-0232
10 CFR 600.14	1904-0011
10 CFR 456.63	1904-0011
10 CFR 455.63	1904-0011
10 CFR 455.60	1904-0005
10 CFR 455.4	1904-0007
10 CFR 455.6, 10 CFR 600.14	1904-0011
10 CFR 463.3 § 116(a)	1903-0060
10 CFR 445.12, 10 CFR 445.14(d)	1904-0036
10 CFR 445.21, 10 CFR 445.26(a)	1904-0003
10 CFR 445.22(b), 10 CFR 445.26(a)(b)	1904-0003
10 CFR 445.26(c)	1904-0003
10 CFR 445.34	1904-0036
10 CFR 445.35	1904-0036
10 CFR Part 470	1904-0036
10 CFR 420.12	1904-0127
10 CFR 420.4	1904-0027
10 CFR 465.13	1901-0084
10 CFR 465.7	1901-0084
10 CFR 440.22	1904-0027
10 CFR 440.23	1904-0027
10 CFR 440.12	1904-0027
10 CFR Part 516	1903-0072
41 CFR 9-9.109.6	1901-0021
41 CFR 1.5408	1901-0021
41 CFR 1.807	1901-0021
41 CFR 4.1004-50	1901-0021
41 CFR 4.1004-53	1901-0021
41 CFR 4.5107-1(c)	1901-0021
41 CFR 4.5109	1901-0021
41 CFR 4.5111	1901-0021
41 CFR 4.5112-4	1901-0021
41 CFR 4.5702-5	1901-0021
41 CFR 4.5802-4	1901-0021
41 CFR 4.5905	1901-0021
41 CFR 7.102-56	1901-0021
41 CFR 7.302-58	1901-0021
41 CFR 7.802-10	1901-0021
41 CFR 7.804-3	1901-0021

CFR citation	OMB control No.
41 CFR 9.104	1901-0021
41 CFR 9.107-5	1901-0021
41 CFR 9.107-6	1901-0021
41 CFR 9.109-2	1901-0021
41 CFR 9.109-6	1901-0021
41 CFR 9.110	1901-0021
41 CFR 9.202-4	1901-0021
41 CFR 12.810	1901-0021
41 CFR 15.307	1901-0021
41 CFR 16.701-50	1901-0021
41 CFR 50.108(c)	1901-0021
41 CFR 50.302-5(6)(ii)	1901-0021
41 CFR 50.402	1901-0021
41 CFR 50.506.3	1901-0021
41 CFR 50.704-1(a)	1901-0021
41 CFR 50.704-2 thru 37	1901-0021
41 CFR 50.704-41 thru 43	1901-0021
41 CFR 50.704-48	1901-0021
41 CFR 50.81	1901-0021
41 CFR 50.1103-1 thru 4	1901-0021
41 CFR 50.1210-2	1901-0021
41 CFR 50.1213-6	1901-0021
41 CFR 50.1402	1901-0021
41 CFR 50.1804-2	1901-0021
41 CFR 50.1805	1901-0021

Issued in Washington, D.C., December 28, 1981.

(Paperwork Reduction Act of 1980, Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 *et seq.*))

Harry L. Peebles,

Deputy Assistant Secretary, Management and Administration.

[FR Doc. 81-37307 Filed 12-30-81; 8:45 am]

BILLING CODE 6450-01-M

10 CFR Parts 202 and 709

Production and Disclosure and Public Records; Removal

AGENCY: Department of Energy.

ACTION: Removal of certain regulations.

SUMMARY: This Notice removes 10 CFR Part 202, Subpart A, entitled "Production and Disclosure Under 5 U.S.C. 552", and 10 CFR Part 709, entitled "Public Records", of the Department of Energy regulations. The regulations contained in Part 202, Subpart A, and Part 709 were superseded by 10 CFR Part 1004, Freedom of Information, and are, therefore, unnecessary.

EFFECTIVE DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT: Milton Jordan, Director, Division of FOI and Privacy Acts Activities, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-5955.

SUPPLEMENTARY INFORMATION: These regulations are being removed from the Code of Federal Regulations since they have been superseded by 10 CFR Part 1004 which was published in the **Federal Register** on January 8, 1979, 44 FR 1909.

The National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, requires Federal agencies to prepare detailed statements on proposals for major Federal actions significantly affecting the quality of the human environment. The issuance of this rule by the Department of Energy clearly will not have a significant environmental effect since it merely removes regulations that were superseded by 10 CFR Part 1004. Thus, the preparation of an Environmental Impact Statement is not required.

Pursuant to section 501(c) of the Department of Energy Organization Act (DOE Act), I have determined that no substantial issue of fact or law exists and that this action will not have a substantial impact on the Nation's economy or large numbers of individuals or businesses because it will merely remove from the Code of Federal Regulations those provisions that have been made unnecessary by the promulgation of 10 CFR Part 1004. Accordingly, the Department of Energy is not bound by the prior notice and hearing requirements of section 501 (b), (c), and (d) of the DOE Act, and may promulgate this rule in accordance with the rulemaking procedure outlined in 5 U.S.C. 553.

Subsection (b) of 5 U.S.C. 553 requires that a notice of proposed rulemaking be published in the **Federal Register**, except when the agency for good cause finds that notice and public procedures thereon are impracticable, unnecessary, or contrary to the public interest. I have determined that the notice and comment procedures of section 553 are unnecessary, since the purpose and effect of this rule is merely to remove regulations that were superseded by 10 CFR Part 1004.

This action has been reviewed in accordance with Executive Order No. 12291, 46 FR 13193, February 19, 1981, and it has been determined that it does not constitute a major rule within the meaning of the Executive Order.

Because no notice of proposed rulemaking is required for this rule under 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, pertaining to regulatory flexibility analyses, do not apply to this rule.

In consideration of the foregoing, Part 202, Subpart A, and Part 709 of Title 10 of the Code of Federal Regulations are hereby removed.

Issued at Washington, D.C., December 23, 1981.

William S. Heffelfinger,

Assistant Secretary, Management and Administration.

PART 202—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

§§ 202.1-202.10 (Subpart A) [Removed]

PART 709—PUBLIC RECORDS [Removed]

For the reasons set out in the preamble, Part 202, Subpart A, and Part 709, of Title 10 of the Code of Federal Regulations are hereby removed.

(Sec. 644, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254))

[FR Doc. 81-37348 Filed 12-30-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CE-18-AD; Amdt. 39-4289]

Beech Models 65, A65, A65-8200, 65-A80, 65-A80-8800, 65-B80, 65-88, 65-A88, 65-90, 65-A90, 70, B90, C90, E90, 99, 99A, B99, 100, A100, B100, L23F, 65-A90-1, 65-A90-2, 65-A90-3, 65-A90-4, and NU-8F Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Emergency Airworthiness Directive (EAD) 81-23-01 which was made applicable to Beech Models 65, A65, A65-8200, 65-A80, 65-A80-8800, 65-B80, 65-88, 65-A88, 65-90, 65-A90, 70, B90, C90, E90, 99, 99A, B99, 100, A100, B100, L23F, 65-A90-1, 65-A90-2, 65-A90-3, 65-A90-4, and NU-8F airplanes by letter dated October 31, 1981, and codifies the revised EAD into the **Federal Register**. In order to prevent inflight separation of an outer wing panel from the airplane, the EAD requires inspection and application of corrosion inhibitor to components of the lower forward wing attachments, and appropriate repair or replacement of components found defective. Need for the above action stems from an accident that was caused by inflight failure of a bolt in a lower forward wing attachment.

EFFECTIVE DATE: January 4, 1982, to all persons except those to whom it has already been made effective by airmail letter from the FAA dated October 31, 1981.

COMPLIANCE SCHEDULE: As prescribed in the body of the AD.

ADDRESSES: Commonly available Beech

Aircraft Corporation Maintenance and Shop Manuals applicable to airplanes specified within this AD may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. Copies of the above Service Material are located at the location specified in the "FOR FURTHER INFORMATION CONTACT" section, below.

FOR FURTHER INFORMATION CONTACT:
Ross R. Spencer, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269–7005.

SUPPLEMENTARY INFORMATION: An accident with a Beech Model E90 airplane was caused by a stress corrosion crack and consequent fracture of a bolt in the lower forward attachment of the left outer wing panel. The FAA determined that this accident occasioned a serious safety hazard, that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Therefore, Emergency Airworthiness Directive (EAD) was issued by airmail letter dated October 31, 1981, identified as AD 81–23–01 and became effective to registered owners upon receipt of the airmail letter. For the left and right lower forward wing attachments, the EAD requires baking of the nut and bolt as well as inspection of and application of corrosion inhibitor to fittings, nuts, bolts, and washers. The EAD also requires repair or replacement of components in these attachments which are classified as defective during required inspections.

The EAD cites 2,629 airplanes, but some are exempted because susceptibility to stress corrosion cracking is not so great as to warrant emergency AD action. The exempted airplanes have better protection against corrosion, or less adverse bolt stress, or a bolt material which is less susceptible to stress corrosion. When the exemptions are considered, the EAD actually applies only to approximately 2,400 airplanes. During compliance with the EAD, the need for a revision was recognized, and the revised version is now codified into the **Federal Register.** Differences between the original and revised versions are described below.

The 65–A88 model designation was misprinted as 65.A88. The applicability statement and language in the body of the EAD overstated intended applicability. Eligible alternate nut part numbers and an alternate corrosion inhibitor were not mentioned. Some unnecessary use of Alodine was required. Procedure for reinstallation of used preload indicating washers was not fully explained. The revised version relaxes and clarifies the original version in the above and other minor respects.

Since the unsafe condition described herein may still exist on other Beech model airplanes described herein, the AD is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

Since the FAA has determined that there is an immediate need for this regulation to correct an unsafe condition and assure safe operation of the affected airplanes, the regulation is within the exemption provisions of section 8(a)(1) of Executive Order 12291. In addition, notice and public procedure under 5 U.S.C. 553(b) were considered impractical and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the publication in the **Federal Register.**

Adoption of the Amendment

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

Beech: Applies to the following model airplanes regardless of the category or categories of airworthiness certification:

Models	Serial No. (S/N) [1]
65, A65 & A65-8200	LC-181 through LC-335.
70	LB-1 through LB-35.
65-A80, 65-A80-8800 & 65-B80.	LD-151 through LD-511 and LD-34, LD-46, LD-119.
65-A88, 65-88	LP-1 through LP-54.
65-90, 65-A90, B90 & C90	LJ-1 through LJ-929.
E90	LW-1 through LW-342.
99, 99A, B99	U-1 through U-164.
100 & A100	B-1 through B-247.
B100	BE-1 through BE-102, and BE-104.
Military	
L23F [2]	LF-7 [3] through LF-76 [3].
65-A90-1	LM-1 through LM-144.
65-A90-2	LS-1, -2, -3.
65-A90-3	LT-1, -2.
65-A90-4	LU-1 through LU-16.
NU-8F	LG-1.

[1] Except that airplanes which have installed BEECHCRAFT Kit No. 90-4077-1 S, BEECHCRAFT Kit No. 99-4023-1 S, or Aviadesign Supplemental Type Certificate SA1178CE or SA1583CE are not affected by this AD.

[2] Except that Model L23F airplanes which do not have a preload indicating washer assembly (i.e., one with radial holes in a center ring) are not affected by this AD.

Compliance: Required as indicated, unless already accomplished.

In order to assure integrity of bolts and nuts at the lower forward attachments of outer wing panels to the wing center section, accomplish the following:

(A) Prior to next flight, accomplish all of the following:

1. Remove all bolts, washers, and nuts from each lower forward wing attachment and thoroughly clean removed part. Throughout all action required by this AD:

a. Use procedures in the applicable Beech Maintenance Manual except where other procedures are specified by this AD,

b. Unless different instructions from Beech Aircraft Corporation is obtained and followed, reposition wing, as necessary, to remove or reinstall bolt by hand without using any tool,

c. Keep parts of each preload indicating washer assembly together so that parts of one assembly cannot be intermingled with parts of another assembly,

d. Clean each removed part with naptha or methyl ethyl ketone (MEK) using a bristle brush, and repeat this cleaning as necessary prior to each subsequently specified action until lubricant is applied, and

e. Accomplish all of the specified actions on both (i.e., left and right) sides of the airplane.

2. Visually inspect each bolt and nut for reddish rust. Do not classify copper residue over cadmium plating as rust. For a bolt, rust is acceptable only on the end (including not more than one thread) farthest from the head and within the counterbored recess between wrench serrations of the bolt head. For compliance with Paragraph (A)6 and (C), below, classify a bolt as rusted if rust is found elsewhere. Classify a nut as rusted if rust is found anywhere.

3. Visually inspect each bolt and nut for a pit or crack in steel (not cadmium or copper plating) material. Use 10X or stronger magnifying glass. For each bolt, pay particular attention to the fillet and shank, including threads. For each nut, pay particular attention to the chamfer (that faces the bolt head when installed) and perceptible threads adjacent to this chamfer. (Refer to Paragraphs (A)(6) and (C) below.)

4. Bake each bolt and nut continously for 23 hours at 350 degrees to 400 degrees Fahrenheit and cool in still air.

5. After accomplishment of Paragraph (A)4, above, use a magnetic particle method of Advisory Circular AC43.13–1A to inspect each bolt and nut for a crack, paying particular attention to locations specified in Paragraph (A)3, above. For each bolt, use a fluorescent particle method with 5250 to 6750 ampereturns in a coil to produce longitudinal magnetization in each bolt. (6,000 ampereturns means 2,000 amperes in a 3-turn coil or 1,000 amperes in a 6-turn coil, etc.) For each nut, use any magnetic particle method with 500 to 700 amperes through a central conductor of at least 0.6-inch diameter through two nuts to produce circular magnetization. Demagnetize each bolt and nut after the above inspection.

6. Replace each rusted, pitted, and/or cracked nut and bolt with a new Part Number (P/N) as follows:

a. If a new preload indicating (PLI) washer assembly is to be used in accordance with Paragraph (A)9, below, nut P/N is 72789–1414, 72789M–1414, FN22–1414, or FN22M–1414. ("M" in P/N denotes black coating. All eligible nuts have a locking feature which necessitates use of a wrench for full engagement with bolt.)

b. If a used PLI washer assembly is reinstalled in accordance with Paragraph (A)9, below, nut P/N is 72789–1414 or FN22–1414.

c. Bolt is P/N LWB 22–14–XX or VEP 220121–14–XX where XX is 31 for airplanes with S/N LD–34, LD–46, LD–119, and LJ–1 through LJ–67, and XX is 32 for all other airplanes affected by this AD.

Replace preload indicating washer with new P/N 61475–14–43.5 assembly (not any other P/N) if this assembly is available. Obtain new parts only from Beech Service Centers or Beech Aircraft Corporation. (Neither baking nor field inspection of new parts is necessary.) Do not replate any part.

7. Clean the bore and recessed washer seat area of the outboard and inboard wing fittings with naptha or methyl ethyl ketone (MEK). Visually inspect these areas for corrosion, burrs, gouges and coining. If any defect is found, contact Beech Aircraft Service Department, 9709 East Central, Wichita, Kansas 76201; Telephone (316) 681–7261, 7278, or 7352, for rework disposition. Also, if any defect is found, treat the bore and recessed washer seat areas of the inboard and outboard wing fittings with Alodine 1200, 1200S, or 1201. Allow the alodine coating to dry for 5 minutes. Wash the coating with water and blow dry with air without wiping. Paint treated washer seat areas with zinc chromate primer (obtain locally) and allow primer to dry.

8. Coat the inspected areas of the wing fittings, all of each bolt, all of each nut, and all of each preload indicating washer assembly with either clean MIL–C–16173, Grade 2 corrosion preventative compound or clean General Electric G322L Versilube Silicone Lubricant.

9. Install removed or new parts using standard procedures except as follows:

a. Preload indicating (PLI) washer assembly may be reused with P/N 72789–1414 and/or P/N FN22–1414 nuts, only.

b. Ascertain that a radius of the adjacent washer is next to the fillet under the bolt head and next to the outer edge of the recess in each wing fitting. Position wing as necessary to allow bolt to slide into fitting without use of any tool.

c. Tighten the joint by rotating the nut (do not turn the bolt). Use standard procedure if new PLI washer assembly is installed. If used PLI washer assembly is reinstalled, make necessary correction for any torque wrench adapter and apply 3250 to 3400 inch-pounds torque, but install new PLI washer assembly if center ring of the used assembly turns after 3400 inch-pounds torque is applied. Do not allow wrench to bear against fitting.

d. Coat entire portion of bolt that projects beyond nut, using a material that is specified in Paragraph (A)8, above.

e. Make aircraft maintenance record entry showing work accomplished, especially procedure used for tightening nut, and whether new or used PLI washer was installed.

(B) Between 90 and 110 hours time-in-service after accomplishment of action specified by Paragraph (A) of this AD, check nut tightness, using the same procedure that was used for accomplishment of Paragraph (A)9c, above.

(C) Within 3 days after replacing a part in accordance with Paragraph (A)6, above, or noting a defect when complying with this AD, submit a written report to the Federal Aviation Administration via an FAA M or D Report (FAA Form 8330–2) or a letter to the office specified in Paragraph (E), below and send the replaced part(s) to Beech Aircraft Corporation. In the submitted report, please advise date of last previous bolt removal.

(D) A special flight permit in accordance with Federal Aviation Regulation 21.197 for flight to the nearest base is permitted in order to accomplish Paragraph (A) of this AD. The nearest FAA Flight Standards District Office may be contacted to obtain a telegraphic special flight permit.

(E) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269–7000, 7001, or 7002.

This amendment becomes effective on January 4, 1982, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated October 31, 1981.

(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)); sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and 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 the aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, if prepared and when filed, may be obtained by contacting the Office of the Regional Counsel, FAA, Room 1558, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374–5446.

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

Issued in Kansas City, Missouri, on December 17, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-39972 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-88-AD; Amdt. 39-4288]

Airworthiness Directives: Canadair Model CL-600 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires a one-time inspection of the fittings on the left and right push/pull wing flight spoiler cables on Canadair CL-600 (Challenger) airplanes, S/N 1002 to 1050 inclusive. This inspection is necessary to ensure that these cables are properly adjusted. Improper adjustment may result in disengagement of a spoiler from its control system, which, in turn, could result in a partial loss of lateral control of the aircraft.

DATES: Effective date: January 6, 1982.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to Canadair Ltd, Commercial Aircraft Technical Services, Box 6087, Station A, Montreal, Canada, PQ H3C3G9, or may be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM–150S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108; telephone (206) 767–2530.

SUPPLEMENTARY INFORMATION: The Canadian MOT (Ministry of Transport) has issued an airworthiness directive which requires a one-time inspection to ensure that wing spoiler cables are properly adjusted on Canadair CL-600 (Challenger) airplanes, S/N 1002 to 1050 inclusive.

Ground inspection reports revealed that the left and right push/pull wing flight spoiler cables may be improperly adjusted on certain airplanes. If improperly adjusted, a spoiler may become disengaged from its control system, resulting in asymmetrical deployment and, therefore, a partial loss of lateral control. If more than six threads are visible on the end fittings,

the spoiler cables are not properly adjusted and may become disconnected from the control system, resulting in a partial loss of lateral control. In order to prevent this from occurring, the MOT, which is the Civil Air Authority of Canada, is requiring the left and right push/pull flight spoiler cable fittings to be inspected in accordance with Canadair Alert Service Bulletin A600-0024, Revision 1, dated November 6, 1981.

This airplane model is manufactured in Canada 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 exist or develop on airplanes of this model registered in the United States, an AD is being issued which requires a one-time inspection of the flight spoiler cable fittings on certain Canadair CL-600 airplanes.

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

Adoption of the Amendment

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

Canadair: Applies to Model CL-600 airplanes with serial number 1002 to 1050 inclusive. To prevent asymmetric spoiler deployment, accomplish the following within ten days after the effective date of this AD, unless already accomplished:

1. Visually inspect and adjust, if necessary, the left and right controlex cables (parts numbers 600-91305-5 and 600-91305-7) for compliance with the revised rigging procedure specified in Canadair Alert Service Bulletin A600-0024, Revision 1, dated November 6, 1981, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

2. Airplanes may be flown in accordance with FAR 21.197 to a maintenance base for accomplishment of the inspection 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). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the addresses listed above. These documents may also be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective January 4, 1982.

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

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

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

Issued in Seattle, Washington, on December 17, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 81-36831 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 81-ASW-63; Amdt. 39-4286]

Swearingen Model SA-26T and SA-26AT Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes airworthiness directive (AD) 72-75 and adopts a new AD for Swearingen Model SA-26T and SA-26AT-airplanes. At the lower forward wing station 99 attach joint, this AD requires inspection of the fittings and bolt for deterioration and cracks, replacement of any damaged fittings, and replacement of any damaged or improperly identified bolts. This AD is needed to correct an unsafe condition that could result in the loss of a wing and subsequent loss of the airplane.

DATE: Effective December 30, 1981. Compliance required as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from the Director of Product Support, Fairchild Swearingen Corporation, P.O. Box 32486, San Antonio, Texas 78284.

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

FOR FURTHER INFORMATION CONTACT: William A. Simmons, Airframe Branch, Aircraft Certification Division, ASW-120, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 516.

SUPPLEMENTARY INFORMATION: There has been a failure at a wing attach joint similar to the wing attach joint used on the Swearingen SA-26 series airplanes. Also there have been several reports of cracked fittings and installation of incorrect part number bolts at the lower forward wing station 99 attach joint on the Swearingen airplanes. The FAA has determined that this is an unsafe condition that is likely to exist or develop on other airplanes with the same attach joint design and could result in the loss of a wing. This amendment supersedes Amendment 39-1412 (37 FR 6183) AD 72-7-5 and adopts a new airworthiness directive for Swearingen Model SA-26T and SA-26AT airplanes. At the lower forward wing station 99 attach joint, the AD requires inspection of the fittings and bolt for deterioration and cracks, replacement of any damaged fittings with new parts of the same part numbers, and replacement of any damaged or improperly identified bolt with a new MS20014-29 part number bolt.

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

Adoption of the Amendment

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

Swearingen: Applies to Swearingen Model SA-26T, S/N T26-2 through T26-99; SA-26AT, S/N T26-100 through T26-999 airplanes certified in all categories.

Compliance required within the next 25 hours' time in service after the effective date of this AD, and thereafter at intervals of 200 hours' time in service since last compliance (Airworthiness Docket No. 81-ASW-63).

To prevent a failure at the lower forward wing station 99 attach joint, accomplish the following:

1. Remove the lower forward wing station 99 attach joint cover plate and wing attach bolt.

2. Inspect the lower forward wing station 99 attach fittings for deterioration and cracks and replace damaged parts with new parts of the same part numbers.

3. Inspect the lower forward wing station 99 attach bolt for identifying part number, deterioration and cracks and replace any damaged bolt or bolt not identified as P/N MS20014-29 bolt with a new P/N MS20014-29 bolt.

Accomplish paragraphs 1., 2., and 3. in accordance with Fairchild Swearingen Service Bulletin SB 57-40-015 revised December 4, 1981, or an equivalent means approved by the Chief, Aircraft Certification Division, FAA Southwest Region.

A special flight permit may be issued in accordance with FAR 21.197 to allow flight of the aircraft to a location where this AD can be accomplished.

This AD supersedes Amendment 39-1412, AD 72-7-5.

This amendment becomes effective December 30, 1981.

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

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

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

Issued in Fort Worth, Texas, on December 15, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-36871 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-34]

Alteration of Control Zone and Transition Area: Hagerstown, Md.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Hagerstown, Maryland, Control Zone and Transition Area by changing the description to delete "Hagerstown Regional Airport" and insert "Washington County Regional Airport". This results from a change of name of the airport by the Board of County Commissioners.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is clerical in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective December 31, 1981, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the text of the description of the Hagerstown, Maryland, Control Zone by deleting, "Hagerstown Regional Airport" and by substituting, "Washington County Regional Airport" therefor.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations by altering the text of the description of the Hagerstown, Maryland, 700-foot floor transition area by deleting, "Hagerstown Regional Airport" and by substituting, "Washington County Regional Airport" therefor.

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

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

Issued in Jamaica, New York on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-36838 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-55]

Alteration of Transition Area: Ocean City, Maryland

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Ocean City, Maryland, Transition Area by changing the description of the area by deleting the reference to the Snow Hill, Maryland, VORTAC and the airspace based thereon and substituting the Salisbury, Maryland, VORTAC and airspace thereon. This results on the implementation of a new instrument procedure.

EFFECTIVE DATE: 0901 GMT December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule deletes an extension to the area to the southwest and substitutes an extension to the west. The overall result is a decrease in the amount of controlled airspace. The new extension is approximately 1 mile by 2 miles, not a substantial amount in the context of the reduction and the amount of controlled airspace remaining. Thus it is minor in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public

procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective December 24, 1981, by adopting the rule as follows:

1. Amend § 1.181 of Part 71, Federal Aviation Regulations by altering the description of the Ocean City, Maryland 700-foot floor transition area by deleting, "within 2.5 miles each side of the Snow Hill, Md., VORTAC 047° radial, extending from the 5-mile radius area to 18.5 miles northeast of the VORTAC" and by substituting, "within 2-miles each side of the Salisbury, Md., 096° radial extending from the 5-mile radius area to 14 miles east of the VORTAC" therefor.

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

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

Issued in Jamaica, New York on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-36833 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-46]

Alteration of Control Zone and Transition Area; Jamestown, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Jamestown, New York, Control Zone and Transition Area. The alteration will delete airspace extensions based upon the NDB, VOR and ILS, as these are no longer needed. It will also add a small area of controlled airspace due to the authorization of two new RNAV procedures. The foregoing results from a review of the airspace needs at Jamestown, New York.

EFFECTIVE DATE: 0901 GMT, January 21, 1982.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is minor in nature since the added airspace is only two 1-mile by 4-miles extensions, and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective January 21, 1982, by adopting the rule as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the description of the Jamestown, New York, Control Zone by deleting, "; within 2 miles each side of the Jamestown, N.Y., VOR 071° and 251° radials extending from the 5-mile radius zone to the VOR and within 2 miles each side of a 053° bearing from the Jamestown, N.Y., RBN (42°11'02"N., 79°11'15"W.) extending from the 5-mile radius zone to 7 miles northeast of the RBN."

2. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Jamestown, New York, 700-foot floor transition area by deleting, "within 2 miles each side of the Jamestown VOR 071° and 251° radials, extending from the 7-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of a 053° bearing from the Jamestown, N.Y., RBN (42°11'02"N., 79°11'15"W.) extending from the 7-mile radius area to 8 miles northeast of the RBN; within 2 miles each side of the Jamestown, N.Y., ILS localizer northeast course extending from the 7-mile radius area to 8 miles northeast of the ILS OM." and substitute, "within 2.5 miles each side of the Runway 31 extended runway centerline extending from the 7-mile radius area to 8 miles northwest of the runway; and within 2.5 miles each side of the Runway 13 extended runway centerline extending from the 7-mile radius area to 9 miles southeast of the runway."

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

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

Issued in Jamaica, New York on December 8, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-36837 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-31]

Alteration of Control Zone and Transition Areas: Newburgh, New York and Wurtsboro, New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Newburgh, New York, Control Zone, and Transition Area and the Wurtsboro, New York, Transition Area, by deleting in the descriptions reference to the Stewart VOR and airspace based thereon. This results from a cancellation of the instrument procedures based on the VOR.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is relaxatory in nature since it releases controlled airspace and does not impose

any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective upon December 31, 1981, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the description of the Newburgh, New York, Control Zone by deleting, "066° bearing from the airport; within 3 miles each side of the Stewart VOR (41°30'30" N., 74°05'51" W.) 325° radial, extending from the VOR to 15 miles northwest of the VOR and 4.5 miles each side of the Stewart VOR 085° radial, extending from the VOR to 11.5 miles east of the VOR, excluding the portion that coincides with the Poughkeepsie, New York, Control Zone," and substitute therefor, "066° bearing from the airport."

2. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Newburgh, New York, 700-foot floor Transition Area by deleting, "within 3.5 miles each side of the Stewart VOR (41°30'30" N., 74°05'51" W.) 325° radial, extending from the Stewart VOR to 18.5 miles northwest of the Stewart VOR; within 5 miles each side of the Stewart VOR 085° radial, extending from the Stewart VOR to 13 miles east of the Stewart VOR;"

3. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Wurtsboro, New York, 700-foot floor Transition Area by deleting, "within 4.5 miles north and 6.5 miles south of the Stewart VOR (41°30'30" N., 74°05'51" W.) 288° radial extending from 2.5 miles west to 19.5 miles west of the Stewart VOR;".

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

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

Issued in Jamaica, New York on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-36839 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-45]

Designation of Transition Area: Freeport, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Freeport, TX. The intended effect of the amendment is to provide adequate controlled airspace for helicopters executing a new instrument approach procedure to the Petroleum Helicopters, Inc. (PHI), landing area, Freeport, TX. This amendment is necessary to provide controlled airspace for helicopters executing an instrument approach procedure to a point in space east of the PHI landing area.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT:

James L. Owens, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On October 26, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 52124) stating that the Federal Aviation Administration proposed to designate the Freeport, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, § 71.181 of Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, March 18, 1982, as follows:

Freeport, Texas

That airspace extending upward from 700 feet above the surface within 2.5 miles each side of the Scholes VORTAC 220° radial at point beginning 19.5 miles southwest of the VORTAC and extending to 26.5 miles southwest.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, TX, on December 17, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-36873 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-52]

Alteration of Control Zones: Allentown, Pa., Charlottesville, Va., Caldwell, N.J., Lynchburg, Va., Middletown, Pa., Morristown, N.J., Niagara Falls, N.Y., Reading, Pa., Syracuse, N.Y., Trenton, N.J., Wheeling, W. Va., White Plains, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the subject Control Zones by changing the hours of effectivity to less than 24 hours of operation. It also permits changing future hours of effectivity by reference to the Notices to Airmen. This all results from a temporary reduction in staffing.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT:

Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is relaxatory in nature in that it reduces the time of effective controlled airspace and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule

may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of the Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective upon December 31, 1981, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Allentown, Pennsylvania, Control Zone description by adding, "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." therefor.

2. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Caldwell, New Jersey, Control Zone description by deleting, "This control zone is effective from 0800 to 2200 hours, local time, daily." and by substituting, "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." thereto.

3. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the description of the Charlottesville, Virginia, Control Zone by adding, "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published in the Airport/Facility Directory." thereto.

4. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Lynchburg, Virginia, Control Zone description by deleting, "This control zone is effective from 0700 to 2300 hours, local time, daily." and by substituting, "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." therefor.

5. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Middletown, Pennsylvania, Control Zone description by adding, "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." thereto.

6. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Morristown, New Jersey, Control Zone description by deleting, "This control zone is effective from 0630 to 2230 hours, local time, daily." and by substituting "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." therefor.

7. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Niagara Falls, New York, Control Zone description by adding, "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." thereto.

8. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Reading, Pennsylvania, Control Zone description by adding, "This control zone is effective during specific dates and time established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." thereto.

9. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Syracuse, New York, Control Zone description by adding, "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." thereto.

10. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Trenton, New Jersey, Control Zone description by adding, "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." thereto.

11. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the Wheeling, West Virginia, Control Zone description by adding, "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." thereto.

12. Amend § 71.171 of Part 71, Federal Aviation Regulations, by altering the White Plains, New York, Control Zone description by adding, "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory." thereto.

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

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

Issued in Jamaica, N.Y., on December 8, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-38834 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-47]

Alteration of Transition Area: Reedsville, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Reedsville, Pennsylvania, Transition Area by changing the description to delete "Mifflin County Airport" to "Veterans Memorial Airpark Airport." This results from a recent order to change the name of the airport.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is clerical in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is

amended, effective upon December 31, 1981 as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Reedsville, Pennsylvania, 700-foot floor transition area by deleting, "of Mifflin County Airport," and substituting, "Veterans Memorial Airpark Airport" therefor.

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

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

Issued in Jamaica, N.Y., on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-36835 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-EA-57]

Revocation of Transition Area: Hopewell, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule revokes the Hopewell, Virginia, Transition Area. This results from cancellation of the instrument approach procedure for Hopewell Airport.

EFFECTIVE DATE: 0901 GMT, December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: This rule is relaxatory in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective December 24, 1981, by adopting the rule as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by deleting the Hopewell, Virginia 700-foot floor transition area in its entirety.

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

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

Issued in Jamaica, N.Y. on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-36832 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 204

[Regulation ER-1273; Amend. 3]

Data To Support Fitness Determinations; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 204 concerning clearance of the requirement for the filing of data to support various air carrier fitness determinations is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D. C. 20428, (202) 673-6042.

PART 204—DATA TO SUPPORT FITNESS DETERMINATIONS

Accordingly, the Civil Aeronautics Board amends Part 204 of its Economic Regulations (14 CFR Part 204) by revising the note at the end of Part 204 to read:

Note.—The application requirements contained in §§ 204.4, 204.5, 204.6 and 204.7 have been approved by the Office of Management and Budget under number 3024-0041.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary

[FR Doc. 81-37329 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 221

[Regulation ER-1271; Amdt. 59]

Tariffs; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 221 concerning the clearance of the requirement for the filing of tariffs by air carriers and foreign air carriers is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was trasnferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

Part 221—TARIFFS

Accordingly, the Civil Aeronautics Board amends Part 221 of its Economic Regulations (14 CFR Part 221) by revising the note at the end of Part 221 to read:

Note.—The filing requirements contained in this part have been approved by the Office of Management and Budget under number 3024–0038.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37330 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 223

[Regulation ER-1267; Amdt. 12]

Free and Reduced-Rate Transportation; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 223 concerning the clearance of reporting requirements associated with the furnishing of free and reduced-rate transportation by air carriers is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–6042.

PART 223—FREE AND REDUCED-RATE TRANSPORTATION

Accordingly, the Civil Aeronautics Board amends Part 223 of its Economic Regulations (14 CFR Part 223) by revising the note at the end of Part 223 to read:

Note.—The reporting requirements contained in §§ 223.2(c), 223.6, 223.7 and the application requirement contained in § 223.8 have been approved by the Office of Management and Budget under number 3024–0002.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37331 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 231

[Regulation ER-1272; Amdt. 5]

Transportation of Mail; Mail Schedules; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 231 concerning the clearance of the requirement for the filing of general schedules by air carriers is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–6042.

PART 231—TRANSPORTATION OF MAIL; MAIL SCHEDULES

Accordingly, the Civil Aeronautics Board amends Part 231 of its Economic Regulations (14 CFR Part 231) by revising the note at the end of Part 231 to read:

Note.—The reporting requirements contained in §§ 231.1 and 231.7 have been approved by the Office of Management and Budget under number 3024–0040.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37332 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 241

[Regulation ER-1269; Amdt. 43]

Uniform System of Accounts and Reports for Certificated Air Carriers; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 241 concerning the clearance of the requirement for the submission of service segment data is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–6042.

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Accordingly, the Civil Aeronautics Board amends Part 241 of its Economic Regulations (14 CFR Part 241) by revising the note at the end of Part 241 to read:

Note.—The reporting requirement contained in § 241.19–3 has been approved by the Office of Management and Budget under number 3024–0014.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37333 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 248

[Regulation ER-1268; Amdt. 3]

Submission of Audit and Reconciliation Reports; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 248 concerning the clearance of requirements for the submission of audit reports of independent public accountants and reconciliation of these reports with CAB Form 41 is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

PART 248—SUBMISSION OF AUDIT AND RECONCILIATION REPORTS

Accordingly, the Civil Aeronautics Board amends Part 248 of its Economic Regulations (14 CFR Part 248) by revising the note at the end of Part 248 to read:

Note.—The reporting requirements contained in this part have been approved by the Office of Management and Budget under number 3024-0004.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat.. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37334 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 291

[Regulation ER-1270; Amdt. 8]

Domestic Cargo Transportation; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this part 291 concerning the clearance of the reporting requirements of air carriers holding an all-cargo air service certificate is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

PART 291—DOMESTIC CARGO TRANSPORTATION

Accordingly, the Civil Aeronautics Board amends Part 291 of its Economic Regulations (14 CFR Part 291) by revising the note at the end of Part 291 to read:

Note.—The requirement to file an application in section 291.11, the recordkeeping requirement in § 291.23, and the reporting requirement in § 291.33 have been approved by the Office of Management and Budget under number 3024-0022.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204 Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37335 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 302

[Reg. PR-233; Amdt. No. 64 to Part 302]

Removal of Subpart K Costing Methodology

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its procedural rules to remove an obsolete scheme for preparing cost estimates in certain route cases.

DATES: Adopted: December 16, 1981. Efective: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: The Board is amending its procedural rules (14 CFR Part 302) to eliminate Subpart K, *Standardized Method for Costing Proposed Changes in the Authorized Operations of Local Service Carriers.* This costing methodology has largely fallen into disuse. The local service carriers no longer exist as a separate classification of air carriers. The cost of operating a given route segment has not been at issue in domestic route proceedings for several years, and will be legally irrelevant after December 31, 1981, when the Board loses the authority to name terminal and intermediate points in certificates for interstate and overseas passenger air transportation. And while costs can still be relevant in international route proceedings, the Subpart K method has not been used there for several years either.

Since this action is procedural in nature and merely removes an obsolete provision, the Board finds that notice and public procedure are unnecessary and that the amendment may become effective less than 30 days after publication in the **Federal Register.**

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 302, Rules of Practice in Board Proceedings, as follows:

PART 302—RULES OF PRACTICE IN BOARD PROCEEDINGS

1. The authority for Part 302 is:

Authority: Secs. 101, 203, 204, 401, 402, 403, 404, 406, 412, 901, 1001, 1002, 1005, Pub. L. 85-726, as amended, 72 Stat. 737, 742, 743, 754, 757, 758, 760, 763, 770, 783, 788, 794; (49 U.S.C. 1301, 1323, 1324, 1371, 1372, 1373, 1374, 1376, 1382, 1471, 1481, 1482, 1485); Reorganization Plan No. 3, 75 Stat. 837, 26 FR 5989; E.O. 11514, Pub. L. 91-90, (42 U.S.C. 4321; 84 Stat. 772, 39 U.S.C. 5402)

2. The Table of Contents is amended by removing Subpart K.

§§ 302.1101-302.1109 (Subpart K) [Reserved]

3. Subpart K, §§ 302.1101-302.1109, *Standardized Method for Costing Proposed Changes in the Authorized Operations of Local Service Carriers,* is removed and reserved.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37282 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 321

[Regulation PR-237; Amdt. 2]

Unused Authority Procedures; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 321 concerning the clearance of reporting requirements associated with procedures governing unused route authority is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

PART 321—UNUSED AUTHORITY PROCEDURES

Accordingly, the Civil Aeronautics Board amends Part 321 of its Procedural Regulations (14 CFR Part 321) by revising the note at the end of Part 321 to read:

Note.—The application and reporting requirements contained in §§ 321.4, 321.10, 321.11, 321.12, 321.13, 321.14, 321.15, 321.20, 321.21, 321.22, 321.23, 321.32(b) and 321.33(c) have been approved by the Office of Management and Budget under number 3024-0026.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204 of Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37336 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 323

[Regulation PR-234; Amdt. 5]

Terminations, Suspensions, and Reductions of Service; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 323 concerning the reporting requirements associated with procedures for compensating an air carrier for losses incurred in complying with a Board order to continue service is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

PART 323—TERMINATIONS, SUSPENSIONS, AND REDUCTIONS OF SERVICE

Accordingly, the Civil Aeronautics Board amends Part 323 of its Procedural Regulations (14 CFR Part 323) by revising the note at the end of Part 323 to read:

Note.—The reporting requirements contained in §§ 323.4, 323.9, 323.11, 323.14 and 323.15 have been approved by the Office of Management and Budget under number 3024-0030.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37337 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 324

[Regulation PR-235; Amdt. 3]

Procedures for Compensating Air Carriers for Losses; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 324 concerning the reporting requirements associated with procedures for compensating an air carrier for losses incurred in complying with a Board order to continue service is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981.

EFFECTIVE: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

PART 324—PROCEDURES FOR COMPENSATING AIR CARRIERS FOR LOSSES

Accordingly, the Civil Aeronautics Board amends Part 324 of its Procedural Regulations (14 CFR Part 324) by revising the note at the end of Part 324 to read:

Note.—The reporting requirements contained in §§ 324.2 and 324.9 have been approved by the Office of Management and Budget under number 3024-0034.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37338 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 325

[Regulation PR-236; Amdt. 3]

Essential Air Service Procedures; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 325 concerning the clearance of reporting requirements associated with procedures for designating eligible points and determining essential air transportation levels for eligible points is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to

OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C. 20428, (202) 673-6042.

PART 325—ESSENTIAL AIR SERVICE PROCEDURES

Accordingly, the Civil Aeronautics Board amends Part 325 of its Procedural Regulations (14 CFR Part 325) by revising the note at the end of Part 325 to read:

Note.—The reporting requirements contained in sections 325.4, 325.7 and 325.10 have been approved by the Office of Management and Budget under number 3024-0037.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR Sec. 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37339 Filed 12-30-81; 8:45 pm]

BILLING CODE 6320-01-M

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14 CFR Part 375

[Regulation SPR-181; Amdt. 14]

Navigation of Foreign Civil Aircraft Within the United States; Notice of Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The note at the end of this Part 375 concerning the clearance of reporting requirements associated with the navigation of foreign civil aircraft in the United States is revised to indicate approval of the reporting requirements by the Office of Management and Budget (OMB). This action is required because the responsibility for approval of the CAB's reporting requirements was transferred from the General Accounting Office to OMB by the Paperwork Reduction Act of 1980.

DATES: Adopted: December 24, 1981. Effective: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

PART 375—NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

Accordingly, the Civil Aeronautics Board amends Part 375 of its Special Regulations (14 CFR Part 375) as follows:

(1) By removing the first note at the end of the part;

(2) By revising the second note to read:

Note.—The recordkeeping requirements contained in §§ 375.43(b) and 375.43(c) and the reporting requirements contained in §§ 375.44(b), 375.45 and 375.70 have been approved by the Office of Management and Budget under number 3024-0031.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C.) 1324))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37340 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 19497; Amdt. No. 93-45]

Special Airport Traffic Areas and Air Traffic Rules for Abbotsford, BC, and Sault Ste. Marie, ON, Canada

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects Amendment 45 to Part 93 of the Federal Aviation Regulations published on December 10, 1981 (46 FR 60420). The section numbers assigned to the new Subpart Q created by the Amendment had previously been assigned to Subpart P. The effect of this correction is to renumber those sections. Additionally, this action corrects a minor discrepancy in the description of the Abbotsford, BC, Special Airport Traffic Area.

EFFECTIVE DATE: December 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Davis, Air Traffic Rules Branch (AAT-220), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426-3128.

SUPPLEMENTARY INFORMATION: Since this action is necessary to prescribe the originally intended regulatory amendments under Amendment 93-45 and since this action is corrective in nature, I find that notice and public procedure regarding the action are impractical and unnecessary. Further, since it would not be in the public interest or consistent with sound regulatory practice to delay making necessary corrections to the Amendment, good cause exists for making it effective in less than 30 days after publication.

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Adoption of the Amendment

The following corrections are made in FR Docket No. 81-35289, appearing on page 60420, in the **Federal Register** issue of December 10, 1981:

1. On page 60421, in column 1, "§ 93.181" is corrected to read "§ 93.195."

2. On page 60421, in column 1, "§ 93.183" is corrected to read "§ 93.197."

3. On page 60421, in column 2, "§ 93.185" is corrected to read "§ 93.199."

4. On page 60421, in column 1, the description of the Abbotsford, BC, Special Airport Traffic Area is corrected to include the words "east to and" after the words "a line beginning 48°58'00" N; 122°21'43" W, thence."

(Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.45)

Note.—The FAA has determined that this document involves a correction to a regulation which is—(1) Not major under Executive Order 12291; and (2) not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this correction does not substantively affect the Amendment, the FAA certifies that it will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, DC, on December 21, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-37148 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1260

Regulatory Coverage for Grants and Cooperative Agreements With Educational Institutions and Other Nonprofit Organizations

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document contains the 1981 revision and Change 1 of the NASA Grant and Cooperative Agreement Regulation (14 CFR Part 1260). This document implements the Federal Grant and Cooperative Agreement Act of 1977 and it provides educational institutions and other nonprofit organizations information of mutual interest designed to further a close cooperative working relationship with NASA in achieving national goals.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 202-755-2237.

SUPPLEMENTARY INFORMATION: This document implements the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95-224 (41 U.S.C. 501 et seq.) and establishes uniform policies and procedures relating to the negotiation, award, and administration of research grants and cooperative agreements with educational institutions and other nonprofit organizations.

a. Section 1260.203 provides guidance on the appropriate choice of award instruments consistent with the Act and Office of Management and Budget (OMB) implementation of that Act.

b. Section 1260.303 provides guidance in determining the allowability of costs chargeable to research supported by NASA under grants and cooperative agreements.

c. Section 1260.304 reflects a revision in cost sharing policy for educational institutions.

Stuart J. Evans,
Director of Procurement.

Accordingly, 14 CFR Part 1260 is revised to read as follows:

PART 1260—GRANTS AND COOPERATIVE AGREEMENTS

Subpart 1—General

Sec.
1260.100 Purpose.
1260.101 Applicability.
1260.102 Arrangement of part.
1260.103 Contents.
1260.104 Amendment.
1260.105 Dissemination and effective date of the part and amendments.
1260.106 Applicability.
1260.107 Definitions.

Subpart 2—Basic Policies

1260.200 Authority.
1260.201 Policy.
1260.202 Proposals.
1260.203 Criteria for selection of award instrument.
1260.204 Processing the instruments.
1260.205 Civil Rights Act of 1964—Nondiscrimination in certain Federally funded programs.
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1260.301 Instruments.
1260.302 Format.
1260.303 Allowable costs.
1260.304 Cost sharing.
1260.305 Long-term stability.
1260.306 Numbering of instruments.
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1260.400 General.
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1260.405 Allowable Costs.
1260.406 Accounting records.
1260.407 Payment.
1260.408 Equipment and other property.
1260.409 Patent rights (small business firm or nonprofit organization).
1260.410 Rights in data.
1260.411 Security.
1260.412 Civil rights.
1260.413 Safety.
1260.414 Subcontracts.
1260.415 Changes in principal investigator or technical objectives.
1260.416 Communications.
1260.417 Financial management system.
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1260.420 Special conditions.

Subpart 5—Administration of Research Grants and Cooperative Agreements

1260.501 General.
1260.502 Instrument.
1260.503 Instrument period.
1260.504 Adherence to original budget estimates.
1260.505 Use, disposition and vesting of title to research equipment.
1260.506 Revocation.
1260.507 Transfer of grants or cooperative agreements to other institutions.
1260.508 Accounting procedures
1260.509 Property management standards.
1260.510 Screening of requests for Government-furnished equipment.
1260.511 Standards for grantee's financial management systems.
1260.512 Procurement standards.
1260.513 Suspension and termination procedures.
1260.514 Closeout procedures.
1260.515 Novation and change of name agreements.

Subpart 6—Reports

1260.600 General.
1260.601 Individual Procurement Action Report (NASA Form 507).
1260.602 Committee on Academic Science and Engineering (CASE) Reports.
1260.603 Federal Cash Transactions Report (SF 272).
1260.604 Annual Inventory Listing of Government-Owned Property.
1260.605 Status and final reports.
Appendix—Listing of Exhibits and Attachments.
Exhibit G—Patent Rights (Small Business Firm or Nonprofit Organization).

Authority: Pub. L. 95-224, 92 Stat. 3 (41 U.S.C. 501 et seq).

Subpart 1—General

§ 1260.100 Purpose.

This part 1260, issued by the Director of Procurement under authority delegated by the Administrator, establishes for the National Aeronautics and Space Administration (NASA) uniform policies and procedures relating to the negotiation, award and administration of research grants and cooperative agreements with educational institutions and other nonprofit organizations, under the authority of Pub. L. 95-224 (41 U.S.C. 501 et seq.).

§ 1260.101 Applicability.

This part applies to all research grants and cooperative agreements made by NASA with educational institutions and other nonprofit organizations.

§ 1260.102 Arrangement of part.

(a) *General plan.* This part is divided into subparts. Each one deals with a separate aspect of research grants and cooperative agreements, and is further subdivided into sections.

(b) *Numbering.* The numbering of individual sections and pages is not necessarily consecutive, and is designed to permit subsequent insertion of additional sections and pages within the appropriate subpart. The first digit of a section number indicates the subpart, and the second two digits indicate the section sequence in that subpart in which the particular section is set forth. Thus, § 1260.203 indicates the third section in Subpart 2 of this part.

§ 1260.103 Contents.

This part 1260 is published to achieve maximum uniformity throughout NASA and will be amended from time to time. Personnel involved with grants and cooperative agreements are encouraged to submit suggestions for improving the procedures set forth in this part. Such suggestions should be submitted to the Office of Procurement, NASA Headquarters (Code HP–1).

§ 1260.104 Amendment.

(a) *Changes.* This part will be amended by issuance of printed loose-leaf "Changes" containing revised or additional pages, sections, or subparts. Each revised or new page of a change will bear, at the top, the date of the change and the change number. Changes to this part will be published in the **Federal Register.**

(b) *NASA Grant and Cooperative Agreement Handbook Instruction.* The Handbook may be amended by means of a NASA Grant and Cooperative Agreement Handbook Instruction when (1) it is necessary to provide rapid dissemination of new or revised grant and cooperative agreement policies or procedures pending their incorporation into the next published change to the Handbook; or (2) the policy or procedure is expected to be effective for 1 year or less. The NASA Grant and Cooperative Agreement Handbook Instructions will be numbered consecutively.

§ 1260.105 Dissemination and effective date of the part and amendments.

(a) The NASA grant and cooperative agreement handbook, Changes and Instructions will be distributed directly to NASA installations. The number of copies of the Handbook, Changes, and Instructions will be distributed on the basis of the requirements furnished by each Headquarters Staff Office, Headquarters Program Office, and NASA installation to the Office of Procurement, NASA Headquarters, Procurement Policy Division (Code HP–1).

(b) Directors of Installations and the Procurement Policy Division at Headquarters will ensure that copies of the NASA Grant and Cooperative Agreement Handbook are distributed to all interested activities and individuals within their installation.

(c) Copies of the NASA Grant and Cooperative Agreement Handbook, Changes and Instructions may be purchased by private concerns, universities and individuals from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402.

(d) Compliance with an amendment to the NASA Grant and Cooperative Agreement Handbook shall be optional effective with the date of issuance thereof, and shall be mandatory effective 60 days thereafter, except as may be otherwise prescribed in a Change or Instruction.

§ 1260.106 Deviations.

(a) *Applicability.* A deviation shall be considered to be any of the following:

(1) When a prescribed grant or cooperative agreement clause is set forth verbatim in this part, use of a clause covering the same subject matter which varies from, or has the effect of altering, the prescribed clause, or changing its application;

(2) When a grant or cooperative agreement clause is set forth in this part but not for use verbatim, use of a clause covering the same subject matter which is inconsistent with the intent, principle and substance of the part clause or related coverage of the subject matter;

(3) Omission of any mandatory grant or cooperative agreement clause;

(4) When a NASA or other form is prescribed by this part, use of any other form for the same purpose;

(5) Alteration of a NASA or other form prescribed in this part except as authorized herein;

(6) When limitations are imposed by this part upon the use of a grant or cooperative agreement clause, form, procedure, or any other grant or cooperative agreement action, the imposition of lesser or greater limitations; or

(7) When a policy, procedure, method, or practice of conducting grant actions is prescribed in this part, any policy, procedure, method, or practice inconsistent therewith.

(b) *Approval of deviations.* Deviations from this part 1260 will be authorized only when essential to effect necessary grant or cooperative agreement actions or where special circumstances make such deviations clearly in the best interests of the Government. Such deviations will be approved only by the Director of Procurement or a duly authorized representative.

(c) *Request for deviations.* Requests for authority to deviate from this part 1260 shall be submitted to the Director of Procurement, NASA Headquarters (Code HS–1). Such requests shall be signed by the Procurement Officer of a field installation (or the Director of the Division in the case of the Headquarters Contracts and Grants Division) and shall be submitted as far in advance as exigencies of the situation will permit.

(d) Each request for a deviation shall contain as a minimum:

(1) Identification of the part requirement from which a deviation is sought;

(2) A full description of the deviation and the circumstances in which it will be used;

(3) A description of the intended effect of the deviation;

(4) A statement as to whether the deviation has been requested previously, and, if so, circumstances of the previous request;

(5) The name of the grantee or party to a cooperative agreement and identification of the grant or cooperative agreement affected, including the dollar value; and

(6) Detailed rationale for the request, including any pertinent background information, that will contribute to a fuller understanding of the deviation sought.

§ 1260.107 Definitions.

As used throughout this Part 1260, the words and terms defined in this section shall have the meanings set forth below, unless the context in which they are used clearly requires a different meaning, or a different definition is prescribed for a particular subpart or portion thereof. In particular, the term "grant" applies to "grant" and "cooperative agreement" unless otherwise indicated.

(a) *Administrator.* The Administrator or Deputy Administrator of NASA.

(b) *Director of Procurement.* The Director of Procurement, Office of Procurement, NASA Headquarters (Code H).

(c) *Basic research.* Systematic, intensive study directed toward greater knowlege or understanding of the subject studied.

(d) *Educational institution.* Any institution which (1) has a faculty, (2) offers courses of instruction and (3) is authorized to award a degree upon completion of a specific course of study.

(e) *Equipment.* As used in this part, "equipment" is another term for nonexpendable personal property.

(i) *Government furnished equipment.* Equipment in the possession of, or acquired directly by, the Government and subsequently delivered or otherwise made available to a grantee.

(ii) *Acquired equipment.* Equipment purchased or fabricated with grant or cooperative agreement funds by a recipient, for the performance of research under its grant or cooperative agreement.

(f) *Grants officer.* A contracting officer who has been delegated authority to award and administer grants and cooperative agreements.

(g) *Grant specialist.* Any employee of NASA who is assigned the responsibility of negotiating with potential grantees the terms and conditions of specific grants and cooperative agreements, and the administration of such grants or cooperative agreements.

(h) *NASA.* The National Aeronautics and Space Administration.

(i) *Subcontract.* A written agreement between a grantee and a third party for the furnishing of services or supplies necessary to carry out the research under a grant or cooperative agreement.

(j) *Support.* Funding of a research project meeting NASA mission objectives.

(k) *Technical officer.* The official of the cognizant NASA program office who is responsible for monitoring the technical aspects of the work under a grant or cooperative agreement.

Subpart 2—Basic Policies

§ 1260.200 Authority.

Under the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224 (41 U.S.C. 501 et. seq.), NASA is authorized to award grants and cooperative agreements. Pub. L. 95–224 includes (as Section 7(b)) the substance of the repealed "Grants Act" (42 U.S.C. 1891, 1892) pertaining to the vesting of title to equipment purchased with Federal funds in a nonprofit organization. It expands this authority to other tangible personal property and applies to cooperative agreements and contracts as well as grants.

§ 1260.201 Policy.

(a) NASA policy is to use the grant instrument to sponsor required basic research at nonprofit institutions or organizations when it is desired (1) to accomplish a public purpose of support or stimulation in the area of basic research, (2) when no substantial NASA involvement in the technical performance is anticipated, (3) to provide latitude to investigators that will encourage maximum creativity, and (4) to have the minimum administration consistent with the public interest.

(b) NASA policy is to use the cooperative agreement for the same purpose as grants, except that substantial Federal involvement in significant aspects of the effort are necessary for its accomplishment.

(c) In addition, it is NASA policy to provide appropriate continuity of support in research sponsored under grants.

§ 1260.202 Proposals.

(a) *General.* An activity leading to a grant or cooperative agreement must be supported by a valid proposal from the prospective recipient organization. Proposals are not categorized as "grant proposal" or "contract proposal." In many cases the proposals received will be unsolicited. However, instrument selection under the Federal Grant and Cooperative Agreement Act, Pub. L. 95–224, is independent of proposal type; therefore, some grants and cooperative agreements will be based on solicitations. This Subpart 2 provides information for the grants officer in processing actions based on either type of proposal.

(b) *Unsolicited proposals*—(1) *Refrerences.* 41 CFR Ch. 18, 4.9 contains basic agency guidance on unsolicited proposals applicable to all classes of performers. NASA Management Instruction 8330.1, "Unsolicited Proposals From Universities," provides additional guidance for educational institutions only. Proposal submission information for educational institutions is covered in "The NASA-University Program: A Guide to Policies and Procedures," which should be provided to academic researchers in response to requests.

(2) *Policy.* It is NASA policy to foster and encourage the submission of unsolicited proposals and, in particular, to develop policies and procedures which not only encourage their submission, but which avoid, to the extent possible, those factors which tend to discourage the generation and acceptance of innovative ideas by the unsolicited proposal mechanism (see 41 CFR Ch. 18, 4.903).

(3) An unsolicited proposal, by definition, is a written offer to perform a proposed task or effort, initiated and submitted to NASA by an institution without a solicitation by NASA. It is important to note that contact with agency technical personnel prior to proposal submission is permissible and is encouraged to determine if preparation of a formal submission is warranted. Such discussions, confined to the limited objectives of conveying to the potential offeror an understanding of the agency mission and needs relative to the type of effort contemplated, do not jeopardize the unsolicited status of any subsequently submitted proposal. (See 41 CFR, Ch. 18, 4.904 and 4.905.)

(4) *Proposal validity.* The validity of a proposal received with a procurement package should be verified. In particular, it must have been approved by a responsible official or authorized representative of the organization submitting the proposal, or a person authorized to contractually obligate the organization. (See 41 CFR, Ch. 18, 4.909.) Incomplete or sketchy "informal" or "preliminary" proposals or technical correspondence, as defined by 41 CFR, Ch. 18, 4.904 and 4.908(d), do not qualify as unsolicited proposals.

(5) If any such invalid proposals are received for procurement action, the grants officer should give the institution an opportunity to provide the missing information. (See 41 CFR, Ch. 18, 4.909.) In the event excessive delay or possible cancellation of the procurement is contemplated, the procurement request initiator should be notified.

(6) *Proposals from other agencies.* NASA will not accept for formal evaluation unsolicited proposals initially submitted to another agency or the Jet Propulsion Laboratory, Pasadena, CA without the express consent of the offeror. (See 41 CFR Ch. 18, 4.912(a).) In the event such a proposal is received as the basis for a procurement action and the required consent is lacking, the grants officer should contact the institution to determine if conversion to a formal submission to NASA is desired. The institution may at that time submit any desired revisions or other material necessary. The procurement initiator should be notified of any substantive changes.

(7) *Use of data.* Some proposals may have a notice on the cover intended to maintain trade secret rights. The notice set forth in 41 CFR, Ch. 18, 1.304–2 is:

> Data on pages ——— of this proposal constitute a trade secret. It is furnished to the Government in confidence with the understanding that it will not, without permission of the offeror, be used or disclosed other than for evaluation purposes: *Provided, however,* In the event a contract is awarded on this proposal, the Government may obtain in the contract additional rights to use and disclose this data.

If the grants officer receives an unsolicited proposal containing a notice and the terms are more restrictive than those provided in the notice above, the grants officer shall inquire whether the offeror is willing to accept the conditions of the notice set forth in 41 CFR, Ch. 18, 1.304–2. Should the offeror not agree, local counsel should be consulted concernng the legal effect of the more restrictive conditions imposed by the offeror. (See 41 CFR, Ch. 18, 4.913.) This situation should rarely occur in actions with universities.

(8) *Prohibitions.* NASA shall not permit all or any part of an unsolicited proposal to be used as the basis, or portion of, a solicitation, or in negotiation with other organizations

unless the offeror is notified of and agrees to the intended use. However, nothing herein precludes the Government from using any data, concept or idea which it could have used had the unsolicited proposal not been submitted. (See 41 CFR, Ch. 18, 4.911.)

(9) *Foreign proposals.* Proposals from foreign sources are additionally subject to the provisions of NASA Procurement Directive 1362.1, "Initiation and Development of International Participation and Cooperation in Aeronautical and Space Program." Field installations will forward purchase requests for foreign proposals to the Headquarters Contracts and Grants Division, Code HW-2, through the International Affairs Division, Code LI, for procurement action. (See 41 CFR, Ch. 18, 4.914.)

(10) *Justification for acceptance.* (i) A negotiated, noncompetitive grant or cooperative agreement is permissible and will be used when an unsolicited proposal has received a favorable technical evaluation, except as noted in paragraph (b)(4) of this section. The technical office sponsoring the procurement shall support its recommendation with a "Justification for Acceptance of Unsolicited Proposal." The "Justification" shall be based on a comprehensive evaluation of the proposal. The "Justification" shall include the facts and circumstances that operate to preclude competition and that support the recommended noncompetitive action. Consideration shall include the following evaluation factors (see 41 CFR, Ch. 18, 4.910(b)):

(A) Unique, innovative, or meritorious methods, approaches, or ideas which have originated with or have been assembled together by the offeror that are contained in the proposed effort or activity;

(B) Overall scientific, technical, or socio-economic merits of the proposed effort or activity;

(C) Potential contribution which the proposed effort is expected to make to the agency's specific mission, if pursued at this time;

(D) Capabilities, related experience, facilities, or techniques, or unique combinations thereof which the offeror possesses and offers, and which are considered to be integral factors for achieving the scientific, technical, or socio-economic objective(s) of the proposal; and

(E) Qualifications capabilities and experience of the proposed principal investigator, team leader, or key personnel who are considered to be critical in achieving the objectives of the proposal (see 41 CFR, Ch. 18, 4.909(d)).

(ii) In reviewing the "Justification" the grants officer should bear in mind that paragraph (b)(10)(i) is generally descriptive of research as performed by academic institutions and of research typically suitable for support by a grant or cooperative agreement. Since research proposals of this type are intellectual products, it is inappropriate and unrealistic to attempt to establish that no one else can perform similar research. It is only necessary to establish that the proposal is the only one available for the type of effort contemplated or has better promise than related or overlapping ones available for evaluation at the same time.

(iii) In isolated instances, a favorable comprehensive evaluation of a university unsolicited proposal is not, in itself, sufficient justification for negotiating on a noncompetitive basis with the offeror. When a document qualifies as an unsolicited proposal but the substance (A) is available to the Government without restriction from another source or (B) closely resembles that of a pending competitive solicitation, or (C) is otherwise not sufficiently unique to justify acceptance, the unsolicited proposal shall not be acceptable. When procurement is intended and competition is feasible, the proposal shall be returned to the offeror together with the reasons for the return. The procurement request initiator shall be notified before such action is taken. (See 41 CFR, Ch. 18, 4.910(a).)

(iv) When it is determined that the subject matter of an unsolicited proposal is acceptable for award on a noncompetitive basis, the unsolicited proposal will serve as the basis for negotiation. (See 41 CFR Ch. 18, 4.910(c).) A Request for Proposal (RFP) or a Request for Quotation (RFQ) will not be used to obtain any additional information or revisions. In this connection, note that the manner and extent of the evaluation of the scientific/technical and the price/cost portions of unsolicited proposals is the responsibility of officers having substantive responsibilities for these areas. (See 41 CFR, Ch. 18, 4.909(e).)

(v) Proposals for renewal of on-going projects are generally simpler as less detailed information or justification is required. However, they should cover the basic information required for procurement action, with particular emphasis on changes since the original award was made. (See 41 CFR Ch. 18, 4.906(d).) Simplified procedures should be used wherever possible to expedite renewals, particularly when continuing or step funded awards are involved.

(vi) Justifications will normally be prepared by the procurement request initiator on an individual proposal basis. However, where a number of similar proposals are peer reviewed in a group or as the result of a Space Science Announcement, Applications Announcement or similar announcement, a simplified procedure may be used. This is particularly applicable where the evaluation is conducted by Headquarters and the proposals subsequently transferred to a field center for all further processing and award.

(vii) Accordingly, in instances where unsolicited proposals are received as a result of an open notice issued in accordance with 41 CFR, Ch. 18, 4.908(b)(i), the following justification format, to be executed by the technical office which issued the open notice, may be used to satisfy the requirements of 41 CFR, Ch. 18, 4.910(b).

(Format)—Justification for Acceptance of Unsolicited Proposal

I recommend that NASA negotiate only with *(Organization and location)* for a technical study/investigation entitled: *(proposal title)*, which is related to the (Name of) discipline field of the (Name of) Program. This recommendation is made on the basis of a favorable comprehensive evaluation in accordance with applicable provisions of NASA Procurement Regulation (NPR) 4.909, and is submitted in accordance with applicable provisions of NPR 4.910. This recommendation is made for the following reason(s): *(insert one or more, but not necessarily all)*

(i) The proposed effort contains unique, innovative (or meritorious) methods (approaches or ideas) which have orginated with (and/or been assembled together by) the offeror;

(ii) A significant degree of scientific/technical merit inheresin the proposed effort;

(iii) The proposed effort is expected to make a noticeable, positive contribution to the (Name of) Program, if supported at this time;

(iv) The proposed effort has value to the (Name of) Program, not previously recognized by NASA;

(v) The qualifications, capabilities and experience of the proposed principal investigator (team leader and/or key personnel) are considered to be critical in achieving the objectives of the proposal;

(vi) The offeror possesses and offers capabilities, related experience and facilities (or techniques, or unique combinations thereof) which are considered to be integral factors for achieving the objectives of the proposal. It further appears that the substance of the proposal is not readily available to the Government without restriction from another source, does not closely resemble that of a pending competitive solicitation, and is sufficiently unique to justify acceptance. Based upon a comprehensive evaluation and the foregoing reason(s), I accept this proposal submitted by the anticipated principal investigator. (Full

Name), for implementation as a (Name of Program) Project. I am assigning this project to (Installation) for implementation and request that an appropriate instrument be executed with the institution.

(c) *Solicited proposals.* As a result of the instrument selection criteria specified by Pub. L. 95–224, and NASA's implementation in § 1260.301, the award of a grant or cooperative agreement based on a solicited proposal may be appropriate.

(d) Grants and cooperative agreements based on solicited proposals are most likely to result from proposals submitted in response to "Announcements of Opportunity." This type of solicitation is governed by the terms of NASA Handbook 8030.6, "Guidelines for Acquisition of Investigations."

§ 1260.203 Criteria for selection of award instrument.

(a) *General.* (1) This § 1260.203 provides guidance on the appropriate choice of award instruments consistent with the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224 and Office of Management and Budget (OMB) implementation of that Act. This § 1260.203 applies to all program and individual transactions where the choice of award isntruments is within the administrative discretion of NASA and is not otherwise prescribed or limited by law. A variety of award instruments is available as the means for defining the terms and conditions, and the nature of the relationship between NASA and eligible recipients. The award instruments are intended to be different in purpose, application, content and nature. When properly employed, they create different relationships betwen the parties. Because of these differences, the decision to use a particular instrument to implement a particular purpose must be made deliberately.

(2) *Procurement contracts.* A procurement contract shall be used as the legal instrument to reflect a relationship between the Federal Government and a recipient whenever (i) the principal purpose of the instrument is the acquisition by purchase, lease or barter, of property, or services for the direct benefit or use of the Federal Government; or (ii) whenever NASA determines in a specific instance that the use of a type of procurement contract is appropriate.

(3) *Grants.* A grant agreement shall be used as the legal instrument to reflect a relationship between the Federal Government and a recipient whenever the principal purpose of the relationship is transfer of money, property, services, or anything of value to the recipient in order to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than by acquisition, purchase, lease, or barter of property or services for the direct benefit or use of the Federal Government; and no substantial involvement is anticipated between NASA acting for the Federal Government and the recipient during performance of the contemplated activity.

(4) *Cooperative agreements.* A cooperative agreement shall be used as the legal instrument to reflect a relationship between the Federal Government and a recipient whenever the principal purpose of the relationship is the transfer of money, property, services, or anything of value to the recipient to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than acquisition by purchase, lease, or barter, of property, or services for the direct benefit or use of the Federal Government; and substantial involvement is anticipated between NASA, acting for the Federal Government, and the recipient during performance of the contemplated activity.

(b) *Factors to consider in the selection of award instrument.* The cognizant technical officer shall recommend to the contracting officer of the funding installation the selection of the research support instrument (grant, cooperative agreement or contract), regardless of the type of proposal involved, taking into account statutory requirements, NASA policies for dealing with universities, the nature of the proposed research, the manner in which it will be performed, and the nature and extent of interaction between NASA and the performer. Research grants and cooperative agreements with nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research may be made only to support basic scientific research. Any exceptions must have the prior approval of the Director of Procurement. As a matter of policy NASA does not generally award grants for donative assistance purposes, but only to meet program objectives; hence, consideration of any potential benefit accruing to the recipient is extraneous to determination of the support instrument. Since prime responsibility for the pursuit of most basic studies is with the university researcher, it is anticipated that the use of cooperative agreements will be limited to those situations where the project would not be possible without extensive NASA-university collaboration. Thus, cooperative agreements would be appropriate, for instance, where a university investigator works for a substantial amount of time at a NASA center (or a NASA investigator works at the university), or when the NASA-university scientific collaboration is such that a jointly authored report is appropriate. Under no circumstances are cooperative agreements to be used solely to obtain the stricter control requirements typical of a contract. Subject to the statutory requirements set forth in § 1260.203(a) of this part, the characteristics generally inherent in grants, cooperative agreements and contracts are as follows:

(1) Characteristics of a grant instrument:

(i) The principal purpose is to accomplish a NASA objective through stimulating or supporting the acquisition of knowledge or understanding of the subject or phenomena under study;

(ii) The exact course of the work and its outcome cannot be defined precisely and specific points in time for achievement of significant results cannot be realistically specified;

(iii) NASA desires, or the nature of the proposed investigation is such, that the grantee will bear prime responsibility for the conduct of the research, and exercises judgment and original thought toward attaining the scientific goals within broad parameters of the research areas proposed and the related resources provided;

(iv) The research problem is such that long term support (i.e., in excess of 1 year) is required for the study to mature to maximum scientific effectiveness (however, this does not preclude shorter-term grants in special cases);

(v) Meaningful technical reports (as distinguished from the Semiannual Status Reports) can be prepared only as new findings are made, rather than on a predetermined time schedule;

(vi) Simplicity and economy in execution and administration are mutually desirable; and

(2) Characteristics inherent in a cooperative agreement include the characteristics of a grant plus the following:

(i) Substantial NASA involvement in and contribution to the technical aspects of the effort are necessary for its accomplishment;

(ii) The project, conducted as proposed, would not be possible without extensive NASA-university technical collaboration; and

(iii) The nature of the collaboration can be clearly defined and specified in advance.

(3) Characteristics inherent in a contract are as follows:

(i) The principal purpose is the purchase for the direct use or benefit of NASA's well-defined, specific effort clearly required for the advancement of a programmed NASA mission or project;

(ii) The work to be conducted is directed closely toward the solution of a specific problem;

(iii) A specific service, piece of hardware, or improved performance of a specific device is the end product;

(iv) NASA considers it necessary, and it is reasonable in consideration of the nature of the project, to exercise control over the objectives, direction, specifications, costs or methods of the research, and schedule control is desirable and feasible;

(v) The work to be conducted is classified (however, access to security classified information may be given grantees where a demonstrated need exists);

(vi) The end result is clearly defined and/or parameters and specifications are prepared in advance of the work; and

(vii) A significant portion of the total effort will be performed by an organization other than the one submitting the proposal, and such portion will involve the development, fabrication or acquisition of instruments or hardware.

(d) Other instruments authorized by statute shall be used only after it has been determined, with the advise of general counsel, that the action cannot be accomplished under a grant, cooperative agreement, or contract, as described in this section. Use of purchase orders (NASA Form 1379) for research is subject to the limitations of 41 CFR, Ch. 18, 3.603(a) and 3.608–2(b)(1).

§ 1260.204 Processing the instruments.

(a) If a grant or cooperative agreement is selected as the research support instrument, negotiation will be by the funding installation, except for grants to foreign institutions subject to NASA Procurement Directive 1362.1.

(b) Grants officers at field installations will furnish to the University Affairs Office copies of the technical evaluation and procurement request, identified by the proposal control number assigned by the University Affairs Office, at the time the negotiation is started. This requirement does not apply to (1) proposals for which a proposal control number is not assigned by the University Affairs Office, or (2) when a proposal evaluation (NASA Form 864 or an equivalent memorandum) and a copy of the procurement request have been forwarded to the University Affairs Office prior to the time the procurement package is received by the grants officer.

(c) Grants officers at field installations and the Headquarters Contracts and Grants Division will furnish to the University Affairs Office completed NASA Forms 1356, "C.A.S.E. Report on College and University Projects," after all awards, regardless of any exceptions in paragraphs (a) and (b) of this section (see § 1260.602).

§ 1260.205 Civil Rights Act of 1964—Nondiscrimination in certain federally funded programs.

(a) Section 602 of the Civil Rights Act of 1964 (Pub. L. 88–352; 42 U.S.C. 200d–1), provides that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance, and requires that each Government agency which is empowered to extend such financial assistance shall issue rules or regulations effectuating Title VI (Sections 601–605) of the Act with respect to such programs or activities administered by the agency. NASA's Civil Rights regulation was published as 14 CFR Part 1250 and incorporated into NASA's directives system as NASA Management Instruction 2090.1, "Civil Rights Act—Nondiscrimination in Federally-Assisted Programs of NASA." Section 602 of the Act applies nondiscrimination requirements to certain types of awards not covered by Executive Order 11246, as amended, which pertains primarily to contracts.

(b) For Civil Rights purposes, NASA has determined that research grants and cooperative agreements made under the authority of Pub. L. 95–224, are within the purview of Title VI of the Act, rather than within the purview of Executive Order 1246 and its predecessors.

(c) Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(d) Further implementation, setting forth procedures and guidance, and assigning responsibility to NASA officials, is contained in NASA Management Instruction 2090.1.

(e)(1) No grant shall be made unless and until an Assurance of Compliance With the National Aeronautics and Space Administration Regulation Under Title VI of the Civil Rights Act of 1964, NASA Form 1206 (Exhibit A of this part), has been obtained in accordance with the requirements of NASA Management Instruction 2090.1, or until proceedings pursuant to § 1250.107(c) of the NASA Civil Rights regulation have been conducted and terminated in favor of the prospective grantee. NASA shall not be obligated to provide support in such a case during the pendency of any administrative proceedings under the NASA Civil Rights regulation.

(2) If a proposal relating to a covered program does not contain or refer to a prescribed assurance and it does not appear that the offeror is aware of the requirement for the assurance, prior to making any grant, the offeror shall be furnished a copy of the desired form of assurance and shall be informed of the requirements of the NASA Civil Rights regulation and this § 1260.205.

§ 1260.206 Printing, binding, and duplicating.

Printing, binding and duplicating required by NASA shall be obtained in accordance with (a) the Government Printing and Binding Regulations published by the Joint Committee on Printing, Congress of the United States, and (b) NASA Management Instruction 1490.2, "Responsibilities, Procedures, and Standards for NASA Printing, Duplicating, and Binding." Technical proposals should be carefully reviewed to assure that unauthorized printing, binding, or volume duplicating constituting printing are not included in grants. When a proposed grant may involve printing, binding, or duplicating, close coordination will be effected with the Installation Central Printing Management Officer in the review process to ensure compliance with these regulations.

1260.207 Procurement of helium.

(a) NASA is required under the provisions of Pub. L. 86–777 (50 U.S.C. 167a et. seq.) to obtain its major requirements for helium from the Secretary of the Interior.

(b) When it is known that the performance of a grant or cooperative agreement will necessitate the purchase of helium by the grantee, the following clause shall be included in the grant:

Procurement of Helium (January 1981)

(a) The Grantee shall obtain its requirements for helium under this grant from the Department of the Interior (Bureau of Mines) or from a commercial supplier

qualified by the Bureau of Mines and included in the Bureau of Mines publication, "List by Shipping Points of Private Distributors Eligible to Sell Helium to Federal Agencies." Copies of this publication may be obtained from the Bureau of Mines, Helium Operations, P.O. Box H4372, Herring Plaza, Amarillo, Texas 79101.

(b) The Grantee's procurement documents for the commercial procurement of helium shall be annotated. Pursuant to 30 CFR Parts 1 and 2, helium furnished under this contract (purchase order) shall be Bureau of Mines helium, or shall be replaced by the supplier with an equivalent volume of helium purchased from the Bureau of Mines.

(c) A copy of each contract or purchase order for the supply of helium from commercial sources shall be forwarded to the Bureau of Mines, Helium Operations, Box H4372, Herring Plaza, Amarillo, Texas, 79101. These copies shall be further identified by the applicable NASA grant number.

§ 1260.208 Clean Air and Federal Water Pollution Control Acts.

(a) Pursuant to regulations issued by authority of E.O. 11728 by the Environmental Protection Agency (EPA) and published in 40 CFR Part 15, no grant or subgrant or subcontract thereunder in excess of $100,000 shall be awarded, renewed, or extended, except as provided in paragraph (c) of this section, if any facility to be utilized thereunder or in the performance thereof is listed on the EPA "List of Violating Facilities," published pursuant to 40 CFR 15.20, the Clean Air Act, as amended, (42 U.S.C. 1857 et seq., as amended by Pub. L. 91–604), and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub. L. 92–500). This list will be distributed periodically by EPA to all Federal agencies and published in the **Federal Register**.

(b) Special condition, § 1260.420(b)(7), shall be used with each grant or grant extension in excess of $100,000.

(c) When the Administrator determines that the paramount interest of the United States so requires, the Administrator may exempt for a period not to exceed 1 year any individual grant, or any subgrant or subcontract thereunder, from the requirements of this § 1260.208, and, by rule or regulation following consultation with the Administrator of the EPA, any class of grants or subgrants or subcontracts thereunder. The Administrator shall promptly notify the Administrator of the EPA of any of the exemptions authorized by the foregoing, and the justification therefor, which shall fully describe the purpose of the grant, subgrant, or subcontract and indicate the manner in which the paramount interest of the United States requires that the exemption be made.

(d) Requests for exemptions or renewals thereof shall be made to the Director of Procurement (Code HP–1), NASA Headquarters. Requests for individual exemptions shall list the recipient and the amount of the proposed grant, subgrant or subcontract and the title and name of the principal investigator (where applicable). All requests, whether for individual or class exemptions, shall provide a complete justification as required in paragraph (c) of this section.

§ 1260.209 Patent rights in inventions.

(a) Pub. L. 96–517 (35 U.S.C. 200 et seq.) governs the disposition of rights in inventions made by small business firms and nonprofit organizations under contracts, grants and cooperative agreements for the performance of experimental, developmental, or research work funded in whole or in part by Federal agencies. This Act takes precedence over any other Acts, including section 305 of the National Aeronautics and Space Act of 1958, regarding the disposition of rights to such inventions. It takes effect on July 1, 1981, and is applicable to all contracts, grants and cooperative agreements (including subcontracts) with small business firms and nonprofit organizations executed on or after that date. As to inventions "made" on or after July 1, 1981, in the performance of work under any such contracts, grants or cooperative agreements (including subcontracts) executed prior to July 1, 1981, § 1245.118 of the NASA Patent Waiver Regulation of July 1, 1981 (14 CFR 1245.1) may be applied.

(b) The implementation of Pub. L. 96–517 in the NASA Procurement Regulation, 41 CFR, Ch. 18, 9.1), shall apply equally to all grants and cooperative agreements (including subcontracts thereunder) with a small business firm or nonprofit institution for experimental, developmental or research work to be performed in the United States, awarded and administered under the Grant and Cooperative Agreement Handbook, unless a deviation from such use is approved pursuant to § 1260.106. The clause implementing Pub. L. 96–517 for grants and cooperative agreements is set forth in Exhibit G of this part. Where a deviation is approved or where experimental, developmental or research work is to be performed outside the United States, patent counsel should be consulted for the appropriate provisions to be included in the grant or cooperative agreement.

(c) Reports required pursuant to § 1260.409(b) shall be submitted upon receipt by the grants officer to the local patent counsel.

Subpart 3—Award of Grants and Cooperative Agreements

§ 1260.301 Instruments.

(a) The grant or cooperative agreement instrument shall be brief in format, containing only those provisions necessary to protect the fundamental interests of the Government. To ease compliance problems within universities and nonprofit institutions, grants issued by all NASA installations are identical in format and printed content, and changes in grant requirements are made as infrequently as possible.

(b) In order to maintain the distinction between transactions entered into pursuant to section 203(c)(5) and other provisions of the Space Act of 1958 (such as patent licenses, out-bailments, reimbursable launch agreements, and international agreements) and cooperative agreements entered into pursuant to Pub. L. 95–224, (effective February 3, 1979), the term "cooperative agreement" shall not be used to designate those agreements entered into under the Space Act but shall be used only to designate those cooperative agreements entered into pursuant to Pub. L. 95–224. Loans of Government personal property not associated with a contract, grant, or cooperative agreement under Pub. L. 95–224, and made under the Space Act of 1958, should be consummated as loan agreements under paragraph 1.211 and Part 3.400 of NASA Handbook 4200.1, "Equipment Management Manual."

(c) An initial determination shall be made by the technical office sponsoring the requirement whether the principal purpose involved is the acquisition of property or services for the direct benefit or use of the Federal Government. If the determination is affirmative, it shall be set forth in the "Justification for Acceptance of Unsolicited Proposal" (41 CFR, Ch. 18, 910(b)) or the procurement request and, upon concurrence of the contracting officer, a contract shall be used pursuant to the NASA Procurement Regulation.

(d) If it is determined that the principal purpose of a research task is not the acquisition of property or services for the direct benefit or use of the Federal Government, but rather is to accomplish a public purpose of support or stimulation by increasing basic knowledge and understanding in aeronautics or space, a grant (where no substantial Federal involvement is

anticipated) or a cooperative agreement (where substantial Federal involvement is anticipated) shall be used. (See § 1260.203 for guidance.)

(e) Where the technical office sponsoring the research recommends that a grant or cooperative agreement be used as the research instrument supporting an unsolicited proposal, the "Recommendation for Acceptance of Unsolicited Proposal" shall contain justification for such recommendation under the guidance set forth in § 1260.301(d). The required justification shall be in reasonable detail, shall adequately support the recommendation to award either a grant or cooperative agreement, and shall be approved by a responsible official designated for this purpose by the head of the program office concerned at Headquarters or field installation. In those instances where the transaction does not arise from an unsolicited proposal, the technical office involved shall, in the procurement request, justify any recommendation to the grants officer for award of a grant or cooperative agreement, subject to the approval required above.

(f) The grants officer shall review the recommendations of the cognizant technical office and, upon concurrence therein, shall prepare and sign a statement prior to the award of each grant or cooperative agreement, which justifies the use of such instrument under Pub. L. 95–224. The statement shall be placed in the offical file maintained for the transaction. General counsel should be consulted on questions of unique requirements and where additional assistance is otherwise determined to be necessary.

(g) Grants and cooperative agreements subject to Pub. L. 95–224, shall cite sections 5 or 6, as applicable, of the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95–224) as the authority for their placement. Contracts shall cite the applicable authority contained in 41 CFR, Ch. 18, 3.2.

(h) *Exception and deviations.* (1) Subsection 4(2) of Pub. L. 95–224 allows the use of contracts "whenever an executive agency determines in a specific instance that the use of a type of procurement contract is appropriate." This provision accommodates situations in which an agency determines that specific public needs can be satisfied best using the procurement process. However, because the provision, if misused, could allow agencies to circumvent the criteria for use of procurement or assistance instruments, use of this authority is restricted to extraordinary circumstances, and only with prior approval of the Director of Procurement. (Deviations from policies and procedures shall be processed under 41 CFR, Ch. 18, 1.109 or § 1260.106, as appropriate.)

(2) It is NASA's policy that non-monetary (zero dollar) grants or cooperative agreements shall not be used (except for no-cost time extensions).

§ 1260.302 Format.

NASA Form 1463, "Research Grant Award" Exhibit B, NASA Form 1582, "Cooperative Agreement" Exhibit C, and NASA Form 1463A, "Provisions for Research Grants and Cooperative Agreements" Exhibit D, shall be used for the award of all NASA research grants and cooperative agreements pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95–224).

§ 1260.303 Allowable costs.

(a) Regulations governing procurement contracts generally are not appropriate for application to grants and cooperative agreements. However, in general, Office of Management and Budget (OMB) Circular A–21, "Cost Principles for Educational Institutions," OMB Circular A–122, "Cost Principles for Nonprofit Organizations," OMB Circular A–110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations," and 41 CFR, Ch. 18.3 are the basic guidance documents in determining the allowability of costs chargeable to research supported by NASA under grants and cooperative agreements.

(b) NASA normally allows full recovery of indirect expenses but in no case shall an overhead rate used for determining grant or cooperative agreement amounts exceed, in equivalence, the most recent overhead rate at the recipient institution for comparable research contracts of the Government.

(c) Grant amounts determined at the time of the award shall not be reduced other than in case of revocation or in the event grant funds are not committed by the grantee prior to completion of the research involved.

(d) It is the responsibility of the recipient to manage the granted funds in such a manner that they cover the full period of the grant or cooperative agreement. NASA Is not obligated to reimburse over-expenditures. However, this stricture does not preclude acceptance of a proposal requesting supplemental funding to extend the research.

§ 1260.304 Cost sharing.

(a)(1) *General.* In implementing the statutory requirement appearing in various NASA Appropriations Acts, for cost sharing of research resulting from unsolicited proposals, NASA has, in the past, generally required that educational institutions share in the cost of such research. This requirement was derived from the understanding that there was generally extant a "mutuality of interest" (as that phrase appears in the statutes) in such relationships thereby bringing into play the cost-sharing requirement.

(2) Subsequent to Congressional concern on overly strict application of the cost sharing requirement, a NASA reevaluation resulted in a determination that the activities of educational institutions under NASA research grants, cooperative agreements and contracts do not generally produce benefits that can be measured as having significance apart from the benefit intrinsic in the conducting of research for NASA. Therefore, in such instances, these agreements should not be subject to the cost-sharing requirement.

(3) No individual documentation or justification is required to establish agreements with educational and non-profit institutions not subject to a cost sharing requirement. Documentation, however, is necessary in those instances where cost sharing is appropriate.

(4) If in an individual case, cost-sharing is determined to be applicable pursuant to the NASA policy set forth in 41 CFR, Ch. 18, 1.362, the procedures in 41 CFR, Ch. 18, § 1.362 shall be followed and the special condition clause for cost sharing set forth in paragraph (b) of this section shall be used.

(b) *Clause.* In grants and cooperative agreements to which cost sharing is applicable, the following clause shall be used.

Cost Sharing (January 1981)

The Grantee agrees to share in the cost of the research by charging to the Government not more than percent of the costs of performance determined to be allowable in accordance with paragraph 405 of the NASA Grant and Cooperative Agreement Handbook. The remaining percent, or more, of the allowable costs of performance so determined will constitute the Grantee's share and will not be charged to the Government under this grant or under any other grant or contract (including allocation to other grants or contracts as part of an independent research and development program). The Grantee will maintain records of all grant costs claimed by the Grantee as constituting part of its share and such records shall be subject to audit by the Government.

§ 1260.305 Long term stability.

(a) *General.* Research performed for NASA by universities tends to be long term. Encouraging stability permits confidence in advance planning for the most effective use of resources. Two methods for achieving long term stability, i.e., continuing awards and step funding, are set forth in §§ 1260.305–2 and 1260.305–3.

(b) *Continuing awards*—(1) *Definition.* A continuing award is a grant or cooperative agreement for which NASA obligates funds to support an effort for a 1-year period, and states an intention to support approximate levels of effort for an additional period of time provided funds are available and the results achieved warrant further support within the context of agency programs.

(2) *Duration and funding.* Continuing awards will normally be approved by the relevant Headquarters program office or center for periods not in excess of 3 years. Legal, along with concomitant fiscal obligations, however, will be entered into for periods of 1 year. The award instrument will contain the following special condition which provides an estimate of an approximate level of funding for each of the following years:

This is a continuing award. Contingent on the availability of funds, scientific progress of the project, and continued relevance to NASA programs, NASA anticipates continuing support at approximately the following levels:

Second year $—— Third year $——

It is the responsibility of the awardee to request such continued support by submitting a brief proposal, according to NASA procedures for unsolicited proposals.

The phrase "Third year" will be omitted if inapplicable.) The above special condition is not to be used in multiple-year, including step-funded, awards.

(3) *Proposals and review.* The original proposal and its scientific evaluation is applicable to the entire period. Thus, neither an extensive new proposal nor new reviews is required for subsequent funding in the approved period, unless a special need for new reviews is indicated by monitoring of the project and of its reports, by major changes in the project or senior investigators, by the introduction of work outside the scope of the approved proposal, or by the need for substantial additional funding than that initially anticipated.

(4) *Requests for continued support.* Five copies of a brief renewal proposal are required, as described in the special conditions of the award instrument for additional funding. Investigators shall be encouraged to contact the NASA technical officer for the project prior to proposal preparation to determine the amount of information required. An additional extended period may be proposed, upon the expiration of the approved period. A complete, new proposal, subject to full review, must be submitted for this purpose. If otherwise acceptable, NASA, at its option, may fund the proposal through a further continuing award or by a standard year-to-year agreement, if long-term effort is no longer anticipated.

(5) *Levels of continued support.* Normally, each year of a continuing award will be funded at the approximate level indicated in the original award instrument, subject to satisfactory scientific progress, availability of funds, and continued relevance to NASA programs. This is not, however, a binding commitment as changing NASA program constraints and developments within the project itself may dictate adjustments in the originally anticipated level.

(6) *Programmatic procedures.* Procurement request initiators who desire to use the continuing award technique should include in their procurement justification packages a brief statement requesting the use of the continuing award, including the expected levels for future periods.

(7) *Other conditions.* Except as noted in this part, all regulations, terms and guidelines applicable to regular grants and cooperative agreements apply to continuing awards.

(c) Step funding.

(1) *Description of step funding.* A step funded research project is one for which funds are obligated over a 3-year period. In addition to full support for the first year's effort, funds are also obligated for a second year's operation at approximately two-thirds of the first year level, and for third year's effort at approximately one-third of the first year level. The typical funding schedule anticipates a continuation of the initially established levels in subsequent years, but this is not always the case—planned increases or decreases in level may be projected in advance. In any event, the full amount required to establish the desired steps must be obligated. (See Step Funding Illustration—Exhibit E.)

(2) *Procedures.* The documentation will clearly indicate that the step funding is appropriate and provide a suggested step schedule accommodating both the previously obligated and the new funding. Annual levels should be rounded to the nearest $1,000, where feasible. Annual continuation proposals should project the contemplated effort for 3 years in advance. Wherever possible, renewal or notification to the grantee that further support will not be forthcoming will be issued before the authorized level drops to the next lower step. Normally, step funded grants should not be allowed to expire if the total period of performance is less than 5 years. Except in cases of revocation, funds should not be de-obligated from the steps. Do not make "No Cost-time Extensions" to step-funded awards, except when they are in the last year and no additional obligations are planned. Annual funding dates may be changed, if necessary, by appropriately rescheduling the steps. The award instrument shall contain the special condition for step funding (see § 1260.420 (b)(5)).

§ 1260.306 Numbering of instruments.

(a) *Grants.* (1) The identification numbering system for all research grants shall conform to 41 CFR, Ch. 18, 20.203–3, except that an NAG prefix shall be used in lieu of the NAS prefix.

(2) The prefix designation shall include the Center Identification Number; e.g., NAGW would be the Headquarters prefix designation and NAG5 would be the Goddard prefix designation. Grants will be sequentially numbered beginning with "1."

(3) This numbering system applies to all new research grants awarded beginning in Fiscal Year 1980. Existing grants identified with prefixes NGT and NGF will not be changed. Sequential numbers are controlled by the NASA University Affairs Office.

(b) *Cooperative agreements.* The numbering system for cooperative agreements shall be the same as for paragraphs (a) and (b) of § 1260.306–1, except that NCC (for centers) and NCCW (for Headquarters) prefixes shall be used in lieu of the NAG and NAGW prefixes.

§ 1260.307 Distribution of grants, cooperative agreements, and grant supplements.

(a) Distribution of grants, cooperative agreements and grant supplements shall be made by the initiating office in accordance with its requirements, except that in all cases:

(b) At least one copy will be furnished to paying offices in order to support the payment file and shall be retained for audit purposes in accordance with § 1260.308.

(c) One copy, plus a copy of the grantee's proposal, will be furnished to the Scientific and Technical Information Office, Code NST–10, NASA Headquarters.

§ 1260.308 Retention of documents for on-site audit.

NASA's grants, cooperative agreements and grant supplements

designated in § 1260.307 are subject to on-site audit by the General Accounting Office. The original or a signed copy of each document, with supporting data, shall be retained by the installation to be available to the General Accounting Office for audit purposes. Records shall be retained for 3 years after completion.

Subpart 4—Research Grant and Cooperative Agreement Provisions

§ 1260.400 General.

The provisions set forth in this subpart shall be inserted in and made a part of all NASA grants and cooperative agreements subject to this part. Whenever the words "grant" or "grantee" appear in these provisions, they shall be deemed to include, as appropriate, the words "cooperative agreement" and "recipient of cooperative agreement" respectively.

§ 1260.401 Technical reports and publications.

Technical Reports and Publications (January 1981)

(a) All measurement values employed in technical reports prepared under this Grant shall be expressed in the International System of Units (SI). Expression in both SI units and customary units is acceptable where the use of SI units alone would obviously impair communications or reduce the usefulness of the report to the primary recipients. When both systems of units are used, SI units are to be stated first and customary units afterwards in parentheses. In each such case, the report shall state which system of units was used for the principal measurements and calculations.

(b) Publication to accomplish widest practicable and appropriate dissemination of research results is encouraged at any time during the course of the investigation. Examples of appropriate media for such dissemination are the learned journals, the proceedings of professional groups, conference presentations, and NASA scientific and technical publications. NASA Grantees may submit the results of their work for publication by whichever media they feel most appropriate. Publications and reports prepared under a Grant shall contain a statement which acknowledges NASA's support and identifies the grant by number. Submissions for NASA scientific and technical publications shall be accompained by manuscripts provided initially in draft. Upon agency review and approval, a reproducible copy shall be submitted in the style and format specified by NASA.

(c) Copies of preprints or manuscripts of each publication shall be provided to NASA for information at the time of submission for publication. Prior approval for publication is not required unless security classification is involved or the Grant contains special conditions pertinent to publication of results. Should the preprint or manuscript contain a description of a "subject invention," such invention is to be disclosed to NASA as required by the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause set forth as Exhibit G of the NASA Grant and Cooperative Agreement Handbook.

(d) Brief, informal Semiannual Status Reports, which shall include concise statements of the research accomplished during the report period, including full bibliographic references to, or abstracts of, publications, shall be submitted. This is a minimum reporting requirement and Grantees are urged to submit interim reports, to publish in the open literature, or to present conference papers whenever the research has reached a point where it is logical to summarize the results, a research phase has been completed, or significant new findings are made.

(e) A final technical report will be submitted upon termination of support under a specific Grant, whether or not support is continued under another Grant number. The final report may be a comprehensive report of all research findings, suitable for printing as a permanent contribution to knowledge, or it may be a brief summary of the entire project. In either case, cumulated bibliographic references to, or abstracts of, all publications issued during the course of the research shall be included.

(f) Status and final technical reports shall have a title page that displays the title of the Grant, the type of report, the name of the Principal Investigator, the period covered by the report, the name and address of the Grantee's institution, and the Grant number.

(g) Five copies of all preprints, reprints, manuscripts, status and interim reports, and the final technical report shall be submitted to NASA. Three of these copies shall be sent to the NASA Technical Office designated on the cover page of the Grant. The remaining two copies, one of which shall be of a quality suitable for microreproduction, shall be sent to:

NASA Scientific & Technical Information Facility, P.O. Box 8757, Baltimore/Washington International Airport, Maryland 21240

§ 1260.402 Extensions.

Extensions (January 1981)

(a) It is NASA policy to provide maximum possible continuity in funding grant-supported research, and Grants may be extended for additional periods of time. Any extension requiring additional funding must be supported by an unsolicited proposal submitted at least 4 months in advance of the expiration date of the Grant. The period of performance shown in the Grant documents is approximate, but extension for more than 30 days must be requested by application to the Grants Officer and approved in writing.

(b) When a Grant is a continuing award or step funded, NASA will, if circumstances permit, make available additional funding to extend the period. The step funding is based on unsolicited proposals received prior to the completion of each year of full support. NASA shall be the sole judge of whether circumstances will permit this increase. This statement of policy should not be taken as a commitment by NASA.

§ 1260.403 Revocation.

Revocation (January 1981)

It is a condition of each Grant that it may be revoked in whole or in part by NASA after consultation with the Grantee. In the event of revocation, the Grantee shall refund to NASA any unexpended funds that it has received under the Grant, except such portion thereof as may be required by the Grantee to meet commitments which had in the judgment of NASA become firm prior to the effective date of revocation and are otherwise appropriate.

§ 1260.404 Travel.

Travel (March 1981)

(a) Domestic travel is an appropriate charge to research Grants and NASA authorization for specific trips is not required. Expenditures for domestic travel shall not exceed $500 or 125% of the amount allotted for such travel in the approved proposal budget, whichever is greater, without the prior authorization of the NASA Grants Officer.

(b) Foreign Travel (all travel outside the 50 United States, the District of Columbia, Puerto Rico, Possessions of the United States and the areas in the Republic of Panama made available to the United States and Canada) must be clearly essential to the research effort and must, to be charged to a Grant, have the prior approval of the NASA Grants Officer regardless of its inclusion in the approved proposal budget. NMI 9720.5, "Foreign Travel Costs Charged to Grants, Contracts, and Other Agreements with Colleges and Universities," sets forth policy and responsibilities governing NASA approval of foreign travel by university personnel when the costs of such travel are chargeable to NASA Contracts, Grants or Cooperative Agreements. In addition, approval of international travel including Canada is dependent upon adherence to the guidelines in Section 5 of the International Air Transportation Act of 1974, which requires use of certificated air carriers if such service is available.

§ 1260.405 Allowable costs.

(a) *General Guidance.*

General Guidance (January 1981)

OMB Circular A-21, "Cost Principles for Educational Institutions," and OMB Circular A-122, "Cost Principles for Nonprofit Organizations," OMB Circular A-110, "Grants and Agreements with Institutions of Higher Education, Hospital and other Nonprofit Organizations," and NASA Procurement Regulation (NPR) Part 15, Subpart 3, (41 CFR Ch. 18), are the general guidance documents in determining the allowability of costs chargeable to research sponsored by NASA under Grants and Cooperative Agreements.

(b) *Consultant services.*

Consultant Services (January 1981)

Payments to individuals for consultant services under a NASA Grant or Cooperative Agreement shall not exceed the daily equivalent of the maximum rate paid to a

GS–18 Federal employee (exclusive of indirect cost, travel, per diem, clerical services, vacation, fringe benefits, and supplies).

§ 1260.406 Accounting records.

Accounting Records (January 1981)

(a) The Grantee shall maintain books and accounting records, in accordance with the principles set forth in the documents listed in paragraph 405 of the NASA Grant and Cooperative Agreement Handbook in a manner sufficient to reflect properly all direct and indirect costs incurred or anticipated as a result of commitments made during the period of the grant. Microfilm records are acceptable.

(b) Financial records, supporting documents, statistical records, and all other records pertinent to this Grant shall be retained for a period of 3 years, except that:

(1) If any litigation, claim or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved, and

(2) Records for nonexpendable property acquired with Grant funds shall be retained for 3 years after its final disposition.

(c) The retention period starts from the date of the submission of the final Federal Cash Transactions Report (SF 272).

(d) The Administrator of NASA and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers and records of the Grantee and to subrecipients to make audits, examinations, excerpts and transcripts.

(e) All of the foregoing provisions shall apply to any subrecipient performing substantive work under this Grant.

§ 1260.407 Payment.

Payment (January 1981)

Advance payments by the Letter-of-Credit or Direct Treasury Check method will be made in accordance with procedures set forth in Exhibit F of the NASA Grant and Cooperative Agreement Handbook.

§ 1260.408 Equipment and other property.

Equipment and Other Property (March 1981)

(a) NASA research grants permit acquisition of technical property required for the conduct of research. Acquisition of property costing in excess of $1,000 and not included in the approved proposal budget requires the prior approval of the NASA Grants Officer unless the item is merely a different model of an item shown in the approved proposal budget.

(b) NASA Grant funds shall not be used to purchase items such as furniture, furnishings, office equipment or other items of a nontechnical nature; exceptions to this require approval of the NASA Grants Officer and must be fully justified as essential to the research under the Grant. Under no circumstances shall Grant funds be used to acquire land or any interest therein, to acquire or construct facilities or to procure passenger carrying vehicles.

(c) Title to equipment purchased with Grant funds shall vest in the Grantee unless otherwise provided. The Government reserves the right to require transfer to itself title to items purchased at a cost of $1,000 or more. Such reservation is subject to the conditions of paragraph 505 of the NASA Grant and Cooperative Agreement Handbook.

(d) Title to Government-furnished property (including equipment, title to which has been transferred to the Government pursuant to paragraph (c) of this section prior to completion of the work) will remain with the Government.

(e) Title to expendable property shall vest in the recipient upon acquisition. If there is a residual inventory of such property exceeding $1,000 in total aggregate fair market value, upon termination or completion of the Grant or other agreement, and the property is not needed for any other Federally sponsored project or program, the recipient shall retain the property for use on non-Federally sponsored activities, or sell it, but must in either case, compensate the Federal Government for its share. The amount of compensation shall be computed in accordance with subparagraph 6c, Attachment N to OMB Circular A–110.

(f) The Grantee shall maintain property records and otherwise manage nonexpendable personal property utilized in the performance of this Grant in accordance with the provisions of Paragraph 509 of the NASA Grant and Cooperative Agreement Handbook. Grantees will submit annually an inventory listing of Government owned property in their custody to the Grants Officer. Such listings will be as of June 30, will be submitted by July 31, and will reflect the record elements required in Paragraph 509(b)(1) and beginning and ending dollar value totals for the period. Upon completion of the agreement or when the property is no longer needed, the recipient shall notify the Grants Officer, who will provide disposition instructions. The Grants Officer will provide a copy of each annual inventory listing to the NASA installation Financial Management Office upon receipt.

§ 1260.409 Patent rights (small business firm or nonprofit organization).

Patent Rights (Small Business Firm or Nonprofit Organization) (July 1981)

(a) The disposition of rights to inventions made in the performance of work under this Grant will be made in accordance with the Pub. L. 96–517 (94 Stat. 3019, 35 U.S.C. 200 et seq.) and NASA's implementing regulations as set forth in the NASA Procurement Regulation, Part 9, Subpart 1, paragraphs 9.108 and 9.109 (41 CFR Ch. 18). The provision (clause) required by NASA PR 9.108–5, entitled "Patent Rights (Small Business Firm or Nonprofit Organization)" is set forth as Exhibit G of the NASA Grant and Cooperative Agreement Handbook, and is hereby made applicable to this Grant. The Grantee shall include an appropriate patent rights provision in accordance with paragraph (g) of Exhibit G in all subcontracts.

(b) All disclosures of Subject Inventions, election of rights utilization reports, and other reports required by the aforementioned "Patent Rights (Small Business Firm or Nonprofit Organization)" clause shall be submitted to the Grants Officer.

§ 1260.410 Rights in data.

Rights in Data (January 1981)

The Grantee grants to the Government, for Governmental purposes, the right to publish, translate, reproduce, deliver, use and dispose of, and to authorize others to do so, all data, including reports, drawings, blueprints, and technical information resulting from the performance of work under this Grant.

§ 1260.411 Security.

Security (January 1981)

Normally, NASA research Grants do not involve classified defense information. However, if information is sought or developed by the Grantee that should be classified in the interests of national security, the NASA Grants Officer that issued the Grant shall be notified immediately.

§ 1260.412 Civil rights.

Civil Rights (January 1981)

Work on NASA Grants is subject to the provisions of the Civil Rights Act of 1964, and the NASA implementing regulations (14 CFR Part 1250).

§ 1260.413 Safety.

Safety (January 1981)

(a) The Grantee shall act responsibly in matters of safety and shall take all reasonable safety measures in performing under this Grant. The grantee shall comply with all applicable Federal, State, and local laws relating to safety. The Grantee shall maintain a record of, and will notify the NASA Grants Officer of any accident involving death, disabling injury or substantial loss of property. The Grantee will advise NASA of hazards that come to its attention as a result of the work under the Grant through routine status reports furnished in compliance with the Grant.

(b) Where the work under this Grant involves flight hardware, the hazardous aspects, if any, of such hardware will be identified, in writing, by the Grantee. Compliance with the provisions of this clause by subcontractors shall be the responsibility of the Grantee.

§ 1260.414 Subcontracts.

Subcontracts (January 1981)

Approval of subcontracts for the purchase of property or equipment under this grant shall be obtained in accordance with the provision herein entitled "Equipment and Other Property." All other subcontracts not provided for in the approved proposal budget require the prior consent of the Grants Officer.

§ 1260.415 Changes in principal investigator or technical objectives.

Changes in Principal Investigator or Technical Objectives (January 1981)

(a) The Grantee shall be permitted to change the methods and procedures

employed in performing the research without the need to make special reports on proposed actions or obtain NASA approval. Significant changes in methods or procedures shall be reported to NASA in status reports and final technical reports. However, in the event the methodology or experiment is proposed as a specific stated objective of the research work, this shall be reflected in the Grant title.

(b) The stated objectives of the research effort shall not be changed, except with the approval of the NASA Grants Officer.

(c) The phenomenon or phenomena under study, i.e., the broad category of reseach, shall not be changed except with the prior approval of the NASA Grant Officer.

(d) The Grantee shall obtain the approval of the NASA Grants Officer to change the principal investigator, or to continue the research work during a continuous period in excess of 3 months without the participation of an approved principal investigator.

(e) The Grantee shall consult with the NASA Grants Officer if the Principal Investigator becomes aware that he or she will devote substantially less effort to the work than anticipated in the approved proposal. If NASA determines that the reduction of effort would be so substantial as to impair the successful prosecution of the research, it may request a change of Principal Investigator or other appropriate modification of the Grant, or may revoke the Grant as provided herein.

(f) In projects which involve co-principal investigators or otherwise include more than one key person who may be considered essential to the conduct of the proposed research project, the foregoing provisions similarly apply to each key person. In such event, the Grant instrument shall identify the individual(s) to whom the provisions apply.

(g) In accordance with the Small Business Act Amendments, Pub. L. 95-507, small and disadvantaged firms shall be utilized as subcontractors to Grantees to the maximum extent.

§ 1260.416 Communications.

Communications (January 1981)

The Principal Investigator may expect to be contacted by the NASA Technical Officer named on the cover page of the Grant in connection with the research aspects of the work under the Grant. Inquiries regarding the research aspects of the Grant should be directed to the NASA Technical Officer. However, written or oral communications of an administrative nature, such as approval of foreign travel, property matters, extension of the term of the Grant, etc., shall be channeled through the Grantee's business office to the Grants Officer.

§ 1260.417 Financial management system.

Financial Management System (January 1981)

The Grantee's financial management system shall meet the standards set forth in paragraph 511 of the NASA Grant and Cooperative Agreement Handbook.

§ 1260.418 Procurement standards.

Procurement Standards (January 1981)

The Grantee's procurement practices shall meet the standards set forth in paragraph 512 of the NASA Grant and Cooperative Agreement Handbook.

§ 1260.419 Additional provision for cooperative agreements.

With respect to cooperative agreements under Pub. L. 95-224, it has been determined that the NASA guidelines and regulations applicable to grants will apply to cooperative agreements. The Cooperative Agreements, NASA Form 1562 (see Exhibit C), shall contain a special provision stating the nature of the recipient/NASA interaction in accordance with Pub. L. 95-224. That special provision is as follows:

Cooperative Agreement Special Provision (January 1981)

(a) This award is a Cooperative Agreement as it is anticipated that there will be substantial NASA involvement during performance of the effort. That is, the recipient can expect NASA collaboration or participation in the management of the project.

(b) NASA and the recipient mutually agree to the following statement of anticipated cooperative interactions which may occur during the performance of this effort. (Briefly state the nature of the cooperative interactions).

§ 1260.420 Special conditions.

(a) In addition to the general provisions set forth in this Chapter, NASA grants and cooperative agreements are subject to various conditions which either are not applicable to all awards or are temporary in nature. Such conditions are not printed in NASA Form 1463A, "NASA Provisions for Research Grants and Cooperative Agreements" (Exhibit D), but are contained in a form, "Special Conditions," which is reproduced locally at individual NASA installations. In using the "Special Conditions" form, the grants officer indicates by check mark the specific clauses which are applicable to individual grants and fills in the blank sections of incomplete clauses as appropriate.

(b) All "Special Conditions" forms shall contain the following heading and number clauses:

Special Conditions

Grant No. .....

The special conditions checked below are applicable to this Award:

(1) *Federal Cash Transactions Report.* Pursuant to the clause, "Payment," of the NASA Provisions for Research Grants and Cooperative Agreements, the "Federal Cash Transactions Report," Standard Form 272, shall be submitted quarterly to:

(Installation)
(Address)
(City, State, Zip Code)
(Attn: .....)

(2) *Cash Payments.* An initial cash payment will be made in the amount of $..... Subsequent payments will be made in accordance with Exhibit F of the NASA Grant and Cooperative Agreement Handbook and the Grantee's requirements as reported on Standard Form 272.

(3) *Financing by Letter of Credit.* This grant does not provide for initial cash payment. Funds will be obtained by the Letter of Credit method of obtaining cash. No part of such funds shall be paid in advance to any secondary recipient without the express written approval of the Grants Officer. Cash drawdowns shall be initiated by the Grantee only when actually needed for the disbursements of the Grantee or of approved secondary recipients. Standard Form 272, "Federal Cash Transactions Report," covering cash disbursements and balances of the Grantee and any approved secondary recipients, shall be submitted by the Grantee in a timely manner as provided in the clause "Payment" of the NASA Provisions for Research Grants. The Grantee's financial management system shall provide for effective control over and accountability for all Federal funds. Continued financing by the Letter of Credit method is conditional upon all of the foregoing, and failure to comply with any of these requirements may cause the unobligated portion of the Letter of Credit to be revoked by NASA or the Department of the Treasury.

(4) *Stipulated Salary Support.* Pursuant to NPR Part 15, Subpart 3, salaries of professional staff and other professionals engaged in the work are stipulated as provided in the approved proposal budget. The Grantee agrees that stipulated amounts for any individual hereunder will not per se result in increasing his or her official salary from the Grantee institution.

(5) *Step Funding.* This is a step funded Grant. If the total amount allowed by the Schedule on the face of the Grant is not expended during the applicable period, the residual funds may be expended during the succeeding period. This carryover shall be brought to the attention of the Grants Officer when the Grantee submits its budget for the subsequent period.

(6) *Procurement of Helium.* (Insert the clause in Paragraph 207.)

(7) *Clean Air and Federal Water Pollution Control Acts.* The Grantee agrees to notify the Grants Officer promptly of the receipt, whether prior or subsequent to the Grantee's acceptance of this grant, of any communication from the Director, Office of Federal Activities, Environmental Protection Agency (EPA), indicating that a facility to be utilized under or in the performance of this Grant or any subgrant or subcontract thereunder is under consideration to be listed on the EPA "List of Violating Facilities" published pursuant to 40 CFR 15.20. By acceptance of this Grant, the Grantee: (i) Stipulates that any facility to be utilized thereunder is not listed on the EPA "List of Violating Facilities" as of the date of acceptance; (ii) agrees to comply with all requirements of section 114 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq. as amended by Pub. L. 91-604) and Section 308 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq. as amended by Pub. L. 92-500) relating to inspection, monitoring, entry, reports and information, and all other requirements specified in the aforementioned Sections, as well as all regulations and guidelines issued

thereunder after award of and applicable to the grant; and (iii) agrees to include the criteria and requirements of this clause in every subgrant or subcontract hereunder in excess of $100,000, and to take such action as the Grants Officer may direct to enforce such criteria and requirements.

(8) *Continuing Award.* Insert the clause shown in paragraph 305.2(2) of the NASA Grant and Cooperative Agreement Handbook.

(c) All clauses inserted in "Special Conditions" forms shall be written out in full. Clauses shall not be incorporated by reference.

(d) Special conditions clauses which are not included in, or which differ in language from, the clauses in § 1260.420 shall be considered as deviations and processed in accordance with § 1260.106.

Subpart 5—Administration of Research Grants and Cooperative Agreements

§ 1260.501 General.

(a) NASA assumes that, once a grant or cooperative agreement is made, the principal investigator, operating within the policies of the grantee institution, is in the best position to determine the means by which the research may be conducted most effectively. The term "grantee" refers to recipients of both grants and cooperative agreements. NASA wishes to avoid any action that might diminish the responsibility of the grantee and the investigator for making sound scientific and administrative judgments. Grantees and investigators are encouraged to seek the advice and opinions of NASA on problems that may arise. Unless otherwise stated, the giving of such advice should not imply that the responsibility for final decisions has shifted to NASA. The primary concern of NASA is that granted funds be used in a manner that will make a maximum contribution to the scientific area under investigation. It is expected that grantees and investigators will also direct their efforts to this end.

(b) The grantee shall be permitted to change the methods and procedures employed in performing the research without the need to make special reports on proposed actions or obtain NASA approval. Significant changes in methods or procedures shall be reported to NASA in status reports and final technical reports. In the event the methodology or experiment is proposed as a specific stated objective of the research work, this shall be reflected in the grant title.

(c) The stated objectives of the research effort shall not be changed except with the approval of the NASA grants officer.

(d) The phenomenon or phenomena under study, i.e., the broad category of research, shall not be changed except with the prior aproval of the NASA grants officer.

(e) The grantee shall obtain the approval of the NASA grants officer to change the principal investigator, or to continue the research work during a continuous period in excess of 3 months without the participation of an approved principal investigator.

(f) The grantee shall consult with the NASA grants officer if the principal investigator plans to, or becomes aware that he/she will, devote substantially less effort to the work than anticipated in the approved proposal. If NASA determines that the reduction of effort would be so substantial as to impair the successful prosecution of the research, it may request a change of principal investigator or other appropriate modification of the grant, or may revoke the grant as provided in § 1260.506.

(g) In projects which involve co-principal investigators or otherwise include more than one key person who may be considered essential to the conduct of the proposed research project, the provisions of paragraphs (e) and (f) of this section similarly apply to each such key person. In such event, the grant instrument shall identify the individual(s) to whom the provisions apply.

(h) It is NASA policy to make optimum use of the administration functions available from the Department of Defense (DOD) and other Government agencies. Property administration and plant clearance for grants and cooperative agreements will be delegated to the cognizant administering activity.

§ 1260.502 Instrument.

A NASA grant or cooperative agreement is consummated by an instrument signed by the NASA Administrator, or duly authorized representative and contains the provisions set forth in Subpart 1260.4 of this part.

§ 1260.503 Instrument period.

(a) Normally, NASA grants and cooperative agreements are made for periods up to 3 years. As stated in the instrument, the period is approximate; the beginning and ending dates are not specified with precision. The instrument period begins approximately on the date thereof and extends for approximately the length of time specified. However, when progress of research under the grant or cooperative agreement is delayed and circumstances make it necessary to request an extension of the period without additional funds, the policy of NASA is to permit extensions in time, upon written request.

(b) When it appears that the research contemplated will be completed within 30 days after the approximate ending date, a request for extension of the instrument period will be unnecessary. If it appears, however, that the additional time required for completion of the research will exceed 30 days, a request for extension must be made by the grantee. Any extension requiring additional funding must be supported by an unsolicited proposal and submitted at least 4 months in advance of the expiration date of the grant or cooperative agreement.

§ 1260.504 Adherence to original budget estimate.

(a) NASA believes that the principal investigator, operating within the established policies of the grantee, is the individual best qualified to determine the manner in which the grant or cooperative agreement funds may be used most effectively to accomplish the proposed research. Although NASA assumes no responsibility for overspent budgets, the investigator and the grantee institution are free to spend grant or cooperative agreements funds for the proposed research without strict adherence to individual allocations within total budgets, except as provided in §§ 1260.404 and 1260.408. Under no circumstances, however, may grant or cooperative agreements funds be used to acquire land or any interest therein, to acquire or construct facilities or to procure passenger carrying vehicles. Purchase of furniture, furnishings, office equipment or other items of a nontechnical natue require the prior approval of the NASA grants officer as provided in § 1260.408.

(b) Controls and limitations on expenditures for specific items under NASA grants or cooperative agreements shall be in accordance with the provisions of § 1260.405.

(c) If any of the actions requiring approval in accordance with § 1260.405 have received specific NASA approval during the proposal and award process, a further approval shall not be required. Whenever practical, the approvals shall be given at the time of the project award or extension to avoid any delays during the course of the project.

(d) Approval requirements relating to expenditures under grants and cooperative agreements, in addition to those provided for in § 1260.405 shall not be imposed except in accordance with the deviation procedure of § 1260.106 or as specifically required by statute.

§ 1260.505 Use, disposition and vesting of title to research equipment.

(a) *Background.* (1) Support of research in educational institutions provides substantial long-term and indirect benefits as well as the immediate research results. In addition to the obvious academic advantages of such support, individual and institutional capabilities to perform relevant research are enhanced, and the number of scientists and graduates with research interests in areas of concern to the nation generally, and to NASA in particular, is increased. Adequate modern research equipment in universities serves to maximize these direct and supplemental benefits.

(2) NASA funds research in academic areas in which the university has, and expects to maintain, a capacity for research and education. The research equipment that it acquires has, therefore, an especially high potential for continuing effective use at the acquiring institution. The legitimate interests of both NASA and the university, as well as the long-term national interest, require that any decision by the agency to take title for the purpose of transferring grantee equipment to another location reflect careful consideration of all relevant factors. This should include comparison of the expected beneficial use at the present location which that expected at the new location, possible deleterious effects of removal, and the administrative and relocation costs involved.

(b) *Policy.* The following policies will be reflected, as appropriate, in the negotiation and the documentation of NASA research grants, cooperative agreements and supplements thereto and in related correspondence:

(1) Title to equipment purchased with grant and cooperative agreement funds vests in the grantee institution, and the equipment does not automatically follow the principal investigator when he or she leaves the institution. Title to Government-furnished equipment remains with the Government. When Government-furnished equipment is reported excess by a grantee, the grants officer will report the equipment to the installation property disposal officer for further NASA use. If NASA has no further need for the property, it shall be declared excess and reported to the General Services Administration. Appropriate disposition instructions will be issued to the recipient after completion of the Federal agency review.

(2) NASA may require transfer to it of title to individual items or coherent systems (paragraph (b)(8) of this section) of major grantee acquired equipment purchased at a cost of more than $1,000 subject to the following conditions:

(i) The equipment shall be appropriately identified to the recipient in writing.

(ii) NASA shall issue disposition instructions within 120 calendar days after the end of the Federal support of the project for which it was acquired. If NASA fails to issue disposition instructions within the 120 calendar day period, the grantee shall apply the standards of subparagraphs 6b and 6c, Attachment N to OMB Circular A–110 as appropriate.

(iii) When NASA exercises its right to take title, the equipment shall be subject to the provisions for Federally-owned nonexpendable property discussed in § 1260.408(f).

(iv) When title is transferred to the Federal Government, the provisions of subparagraph 6c(2)(b), Attachment N to OMB Circular A–110 shall be followed.

(3) Title to minor equipment items (costing individually $1,000 or less) is not subject to transfer to the agency, except under the conditions of paragraph (b)(8) of this section.

(4) NASA procedure does not require a grantee to transfer title to grant or cooperative agreement-acquired equipment directly to another actual or potential grantee or contractor. Such transfers are accomplished by the Government taking title and issuing the equipment to the second institution as Government-furnished equipment.

(5) NASA normally will not recover equipment that a grantee desires to retain, for reissuance to another institution or to a NASA installation, unless it is specifically required for NASA work at the new location. Exceptions will be made only in highly unusual situations where title transfer is clearly in the best interest of the Government.

(6) Cost sharing by NASA and a grantee in the acquisition of individual items or coherent systems (paragraph (b)(8) of this section) of equipment, in response to a statutory requirement for cost-sharing of in any way that could result in joint ownership, shall normally be avoided.

(7) When cost sharing by NASA and a grantee in the acquisition of major equipment items or coherent systems cannot be avoided, and the NASA contribution will exceed $1,000, agreement regarding NASA retention of its option to take title and the conditions under which the option (if retained) will be exercised, shall be reached and documented prior to purchase. NASA shall have no option to take title if its contribution is $1,000 or less.

(8) When two or more components are fabricated into a single coherent system in such a way that the components lose their separate identities and their separation would render the system useless for its original purpose, the components will be considered as integral parts of a single system. If such a system includes grantee-owned components (for cost sharing or other purposes), paragraph (b)(7) of this section applies. The requirement that NASA seek agreement to retain its option to take title shall further apply where it is expected that one or more grant-acquired components costing $1,000 or less will be fabricated into a single coherent system costing in excess of $1,000. However, an item that is used ancillary to a system, without loss of its separate identity and usefulness, will be considered as a separate item and not as an integral component of the system.

(c) *Procedures.* (1) When a decision is made to revoke or discontinue support of a grant or cooperative agreement, the grants officer shall notify the grantee in writing of the requirement under the instrument for submission of a final inventory report of Government-furnished equipment.

(2) When the cognizant NASA technical officer or program manager desires that NASA take title to a major item of grantee purchased equipment, the technical officer shall request the grants officer to obtain information regarding the grantee's desire to retain the equipment, the use to which it would be put in the absence of further NASA support of the grant or cooperative agreement, and any substantial deleterious effects of removal of the equipment.

(3) The grants officer shall obtain the information and provide copies to the technical officer and the University Affairs Office for their coordinated review and recommendation regarding acquisition of title. The technical officer shall inform the grants officer of the recommendation by means of a memorandum concurred in by the University Affairs Office.

(4) When NASA acquires title to major items of grantee purchased equipment, the grants officer shall notify both the cognizant NASA installation financial management officer and supply and equipment management officer so that proper entries can be made in financial and property accounting records.

§ 1260.506 Revocation.

(a) NASA grants and cooperative agreements may be revoked in whole or in part by NASA after consultation with the grantee, except that a revocation shall not affect any financial commitment which in the judgment of NASA had become firm prior to the effective date of the revocation and is otherwise appropriate. Upon revocation, the grantee shall reduce, insofar as possible, the amount of outstanding commitments and repay by check made payable to the National Aeronautics and Space Administration, the uncommitted balance of all funds that have been paid to the grantee by NASA under the terms of the particular grant or cooperative agreement.

(b) The grantee shall communicate with NASA whenever it has reason to believe that circumstances may necessitate revocation of the grant or cooperative agreement. The most common cause for revocation would be the inability of the grantee to carry out the research for which the grant or cooperative agreement was made or to adhere to the other conditions set forth in the instrument. As a general rule, and availability of the services of the principal investigator named in the instrument is a decisive factor in NASA's decision to award the grant or cooperative agreement. Consequently, NASA should be informed immediately whenever it appears that the principal investigator will find it impossible to continue to direct the research.

§ 1260.507 Transfer of grants or cooperative agreements to other institutions.

Awards cannot be transferred from one institution to another. However, when the principal investigator changes his or her organizational affiliation and desires support for the research at a new location, he or she must submit a new proposal via the appropriate officials of the new institution. Although such a proposal will be reviewed in the normal manner, every effort will be made to expedite a decision. Regardless of the action taken on the new proposal, final reports on the original grant or cooperative agreement, describing the scientific progress and expenditure to date, will be required if that instrument is revoked

§ 1260.508 Accounting procedures.

While no particular classification of accounts is required, it is expected that grantees will maintain records for each grant or cooperative agreement, in accordance with the principles enunciated in § 1260.405, which will permit preparation of the required fiscal report and make possible the determination that grant or cooperative agreement funds were used for the general purpose for which the award was made.

§ 1260.509 Property management standards.

(a) *Definitions.* The following definitions apply for the purpose of this section.

(1) *Real property.* Real property means land, including land improvements, structures and appurtenances thereto, but excluding movable machinery and equipment.

(2) *Personal property.* Personal property means property of any kind except real property. It may be tangible, having physical existence; or intangible, having no physical existence, such as patents, inventions and copyrights.

(3) *Nonexpendable personal property.* Nonexpendable personal property means tangible personal personal property having a useful life of more than 2 years and an acquisition cost of $500 or more per unit. A recipient may use its own definition of nonexpendable personal property provided the definition would at least include all tangible personal property as defined in paragraph (a)(2) of this section. "Equipment" as used in this subpart, is another term for nonexpendable personal property.

(4) *Expendable personal property.* Expendable personal property refers to all tangible personal property other than nonexpendable personal property.

(5) *Excess personal property.* Excess personal property means any personal property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the Head thereof.

(6) *Acquisition cost of purchased nonexpendable personal property.* Acquisition cost of an item of purchased nonexpendable personal property means the net invoice unit price of the property including the cost of modifications, attachments, accessories or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges such as the cost of installation, transportation, taxes, duty or protective in-transit insurance, shall be included or excluded from the unit acquisition cost in accordance with the recipient's regular accounting practices.

(7) *Exempt property.* Exempt property means that tangible personal property acquired in whole or in part with Federal funds, and title to which is vested in the recipient without further obligation to the Federal Government except as provided in § 1260.505(b)(2).

(b) *Property management standards for nonexpendable personal property.* The recipient's property management standards for nonexpendable personal property shall include the following procedural requirements:

(1) Property records shall be maintained accurately and shall include:

(i) A description of the property.

(ii) Manufacturer's serial number, model number, national stock number, or other identification number.

(iv) Whether title vests in the recipient or the Federal Government.

(v) Acquisition date (or date received, if the property was furnished by the Federal Government) and cost.

(vi) Percentage (at the end of the budget year) of Federal participation in the cost of the project or program for which the property was acquired. (Not applicable to property furnished by the Federal Government.)

(vii) Location, use and condition of the property and the date the information was reported.

(viii) Unit acquisition cost.

(ix) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a recipient compensates the Federal sponsoring agency for its share.

(2) Property owned by the Federal Government must be marked to indicate Federal ownership.

(3) A physical inventory of property shall be taken and the results reconciled with the property records at least once every 2 years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The recipient shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(4) A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented; if the property was owned by the Federal Government, the recipient shall promptly notify the grants officer.

(5) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(6) Where the recipient is authorized or required to sell the property, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

(c) *Exempt property.* Title to nonexpendable personal property acquired with project funds, shall be vested in the recipient upon acquisition unless it is determined that to do so is not in furtherance of the objectives of the Federal sponsoring agency. When title is vested in the recipient, the recipient shall have no other obligation or accountability to the Federal Government for its use or disposition except as provided in § 1260.505(b)(2).

§ 1260.510 Screening of requests for Government-furnished equipment.

(a) Pursuant to NASA Management Instruction 4000.2, "NASA Equipment Utilization," an agencywide Equipment Visibility System (EVS) has been established to identify and effect optimum use and reuse of Government-owned equipment items of high value and reuse potential. The EVS and this section apply only to grantee requests for Government-furnished equipment. Requests for grantee acquired equipment are neither required nor encouraged to be screened through the EVS.

(b) When a grantee requests Government-furnished equipment of $1,000 or more, the grants officer shall screen the item through the installation's EVS coordinator. Screening requests shall list the manufacturer, model number, description, national stock number, power requirements, estimated cost, and any other information deemed necessary by the EVS coordinator to properly identify the item. Urgent requests may be screened by telephone.

(c) When suitable equipment is located through the foregoing procedures, the holding installation will place a "freeze" on the item for 10 working days pending shipping instructions. Extension of the freeze period must be requested through the EVS coordinator if shipping instructions cannot be furnished within the required period. (See paragraph 5.307, NASA Equipment Management Manual, NASA Handbook 4200.1.)

§ 1260.511 Standards for grantee's financial management systems.

As prescribed by Office of Management and Budget (OMB) Circular A–110, "Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organization," the grantee's financial management system shall provide for:

(a) Accurate, current and complete disclosure of the financial results of the project.

(b) Records that identify adequately the source and application of funds for the grant or cooperative agreement. These records shall contain information pertaining to the award, authorizations, obligations, unobligated balances, assets, outlays, and income.

(c) Effective control over and accountability for all funds, property and other assets. The grantee shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(d) Comparison of actual outlays with obligated amounts for the grant or cooperative agreement.

(e) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee. When advances are made by a letter-of-credit method, the grantee shall make drawdowns as close as possible to the time of making disbursements. See Exhibit F of this Handbook.

(f) Procedures for determining the reasonableness, allowability and allocability of costs in accordance with the provisions of § 1260.405 and the terms of the grant or cooperative agreement.

(g) Accounting records that are supported by source documentation.

(h) Examinations in the form of audits or internal audits. Such audits shall be made by qualified individuals who are sufficiently independent of those authorizing the expenditure of NASA funds to produce unbiased opinions, conclusions or judgments. They shall meet the independence criteria along the lines of Chapter 3, Part 3 of the U.S. General Accounting Office publication, "Standards for Audit of Government Organizations, Programs, Activities and Functions." These examinations are intended to ascertain the effectiveness of the financial management systems and internal procedures that have been established to meet the terms and conditions of the agreements. It is not intended that each agreement awarded to the grantee be examined. Generally, examinations should be conducted on an organization-wide basis to test the fiscal integrity of financial transactions, as well as compliance with the terms and conditions of the NASA grants and other agreements. Such tests would include an appropriate sampling of NASA agreements. Examinations will be conducted with reasonable frequency, on a continuing basis or at scheduled intervals, usually annually, but not less frequently than every 2 years. The frequency of these examinations shall depend upon the nature, size and the complexity of the activity. These examinations do not relieve the cognizant Federal audit agency of its audit responsibilities, but may affect the frequency and scope of such audits.

(i) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

§ 1260.512 Procurement standards.

As prescribed by Office of Management and Budget Circular A–110, the grantee's procurement practices shall be subject to the following standards:

(a) The grantee shall maintain a code of standards of conduct that shall govern the performance of its officers, employees or agents engaged in the awarding and administration of contracts using NASA funds. No employee, officer or agent shall participate in the selection, award or administration of a contract in which NASA funds are used, where, to his or her knowledge, there exists a financial interest on the part of (1) that person, (2) that person's immediate family or partners, or (3) any organization in which that person or an immediate family member or partner has a financial interest or with whom he or she is negotiating or has any arrangement concerning prospective employment. The grantee's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors or potential contractors. Such standards shall provide for disciplinary actions to be applied for violation of such standards by the recipients' officers, employees or agents.

(b) All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. The grantee should be alert to organizational conflicts of interest or noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids or requests for proposals should be excluded from competing for such procurements except when the grantor agency gives approval to a grantee's request to waive this requirement for a particular procurement. Awards shall be made to the bidder/offeror whose bid/offer is responsive to the solicitation and is most advantageous to the grantee, price and other factors considered. Solicitations shall clearly set forth all requirements that the bidder/offeror must fulfill in order for the bid/offer to be evaluated by the grantee. Any and all

bids/offers may be rejected when it is in the grantee's interest to do so.

(c) The grantee shall establish procurement procedures that provide for, at a minimum, the following procedural requirements:

(1) Proposed procurement actions shall follow a procedure to assure the avoidance of purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(2) Solicitations for goods and services shall be based upon a clear and accurate description of the technical requirements for the material, product or service to be procured. Such a description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" descriptions may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by bidders/offerors shall be clearly specified.

(3) Positive efforts shall be made by the grantee to utilize small and disadvantaged business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts utilizing NASA funds.

(4) The types of procuring instruments used, e.g., fixed-price contracts, cost reimbursable contracts, purchase orders, incentive contracts, shall be determined by the grantee but must be appropriate for the particular procurement and for promoting the best interest of the program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(5) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources and accessibility to other necessary resources.

(6) Some form of price or cost analysis should be made in connection with every procurement action. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

(7) Procurement records and files for purchases in excess of $10,000 shall include the following:

(i) Basis for contractor selection;

(ii) Justification for lack of competition when competitive bids or offers are not obtained; and

(iii) Basis for award, cost or price.

(8) A system for contract administration shall be maintained to ensure contractor conformance with terms, conditions and specifications of the contract, and to ensure adequate and timely follow-up of all purchases.

(d) The grantee shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. These provisions shall also be applied to subcontracts.

(1) Contracts in excess of $10,000 shall contain contractual provisions or conditions that will allow for administrative, contractual or legal remedies in instances in which contractors violate or breach contract terms, and provide for such remedial actions as may be appropriate.

(2) All contracts in excess of $10,000 shall contain suitable provisions for termination by the grantee including the manner by which termination will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) All contracts awarded by grantees and their contractors or subgrantees having a value of more than $10,000 shall contain a provision requiring compliance with Executive Order 11246 entitled "Equal Employment Opportunity," as amended by Executive Order 11375 and as supplemented in Department of Labor regulations (41 CFR Part 60).

(4) All negotiated contracts (except those of $10,000 or less) awarded by grantees shall include a provision to the effect that the grantee, NASA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to the specific project, for the purpose of making audits, examinations, excerpts and transcriptions.

§ 1260.513 Suspension and termination procedures.

(a) *Policy.* When a university grant or cooperative agreement is terminated at other than its planned end date, the result can be a significant disruption in the university educational activities. NASA has established excellent relationships with hundreds of universities, including a credibility for responsibly understanding and handling the problems experienced by educational institutions. This has resulted in the retention of highly qualified investigators on NASA work and participation of the most able graduate students. To maintain that credibility, suspension and termination of grants or cooperative agreements prior to the planned completion date must be reserved for those few exceptional situations which cannot be handled any other way.

(b) *Suspension.* When a grantee has failed to comply with the terms of a grant or cooperative agreement, NASA may, on reasonable notice to the grantee, temporarily suspend the grant or cooperative agreement, withhold further payments, and prohibit the grantee from incurring additional obligations of funds, pending corrective action by the grantee or a decision by NASA to terminate in accordance with paragraph (c) or (d) of this section. NASA will allow all necessary and proper costs that the grantee could not reasonably avoid during the period of suspension provided that they meet the provisions of the cost principles set forth in § 1260.405.

(c) *Termination for cause.* NASA reserves the right to terminate any grant or cooperative agreements in whole or in part at any time before the date of completion, whenever it is determined that the grantee has failed to comply with the conditions of the instrument. NASA shall promptly notify the grantee in writing of the determination, the reasons for the termination, and the effective date. Payments made to the grantee or recoveries by NASA under grants or cooperative agreements terminated for cause shall be in accordance with the legal rights and liabilities of the parties.

(d) *Termination for convenience.* NASA or the grantee may terminate grants or cooperative agreements in whole or in part when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. NASA shall allow full credit to the

grantee for NASA's share of the noncancellable obligations, properly incurred by the grantee prior to termination.

(e) *University grants and cooperative agreements.* Before suspending or terminating any grant or cooperative agreement with a university as set forth in paragraphs (b) through (d) of this section, the matter shall be coordinated within NASA as prescribed in NMI 8340.1, "Actions Leading to Decisions to Terminate University Grants and Contracts for the Convenience of the Government"

§ 1260.514 Closeout procedures.

The closeout of a grant or cooperative agreement is the process by which NASA determines that all applicable administrative actions and all required work under the instrument has been completed by the grantee and NASA. Closeout procedures include the following:

(a) Upon request, NASA shall make prompt payments to a grantee for allowable reimbursable costs under the grant or cooperative agreement being closed out.

(b) The grantee shall immediately refund any balance of unobligated (unencumbered) cash that NASA has advanced or paid.

(c) NASA shall obtain from the grantee within 90 calendar days after the date of completion of the grant or cooperative agreement, all financial, performance, and other reports required as the condition of the instrument. NASA may authorize additional time for this purpose when requested by the grantee.

(d) The grantee shall account for any property acquired with Federal funds, or received from the Government in accordance with the provisions of § 1260.408.

(e) In the event a final audit has not been performed prior to the closeout of the grant or cooperative agreement, NASA shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

§ 1260.515 Novation and change of name agreements.

All novation agreements and change of name agreements of the grantee, prior to execution, shall be reviewed by general counsel for legal sufficiency. 41 CFR, Ch. 18, 26.400 shall be followed for general guidance. Where possible, novation is preferable to termination followed by a new award or any other procedure which causes unnecessary paperwork or disrupts ongoing research efforts.

Subpart 6—Reports

§ 1260.600 General.

This subpart prescribes reports designed to provide records and statistics for management purposes and to comply with statutory requirements.

§ 1260.601 Individual procurement action report (NASA Form 507).

The Individual Procurement Action Report (NASA Form 507) is designed to provide essential procurement records and statistics through a single, uniform reporting program as a basis for required recurring and special reports to the President, the Congress, the Department of Labor, the Office of Emergency Preparedness, the General Accounting Office, the Small Business Administration, and other Federal agencies. The preparation and utilization of NASA Form 507 has been made an integral part of the agencywide system for the recording and reporting of financial and contractual status (FACS). Complete instructions covering the operation of this system are contained in the NASA Financial Management Manual.

§ 1260.602 Committee on academic science and engineering (CASE) reports.

NASA Form 1356, "Committee on Academic Science and Engineering (C.A.S.E.) Report on College and University Projects" is either submitted with funded procurement requests pursuant to NASA Management Instruction 5101.12, "Policy and Procedures Concerning Procurement," or in the case of certain non-funded actions, initiated by the procuring office. All NASA Forms 1356 will be completed, checked and promptly forwarded to the University Affairs Office, NASA Headquarters (Code LU-16), in accordance with the instructions on the form.

§ 1260.603 Federal cash transactions report (SF 272).

Federal Cash Transactions Reports (SF 272) will be submitted quarterly as a condition of receiving advance payments, in accordance with Exhibit F of this part.

§ 1260.604 Annual inventory listing of Government-owned property.

As provided in § 1260.408(f), an annual inventory listing of Government-owned property will be submitted by July 31 of each year, including the information specified in § 1260.509 and beginning and ending dollar value totals for the reporting period.

§ 1260.605 Status and final reports.

(a) Five copies of a brief, informal, Semiannual Status Report including a concise statement of the research accomplished during the report period shall be submitted.

(b) Upon completion of the research, the grantee shall submit five copies of a final technical report which summarizes the results of the entire project. Citation of publications resulting from the research, or abstracts thereof, may serve as all or part of this final report. Research results not intended for publication in technical journals must be in the format prescribed for NASA Technical Notes. In addition, the grantee will report to NASA whether or not any inventions required to be reported under the grant or cooperative agreement have been made in the performance of work thereunder.

(c) A properly certified final fiscal report is required for each grant and cooperative agreement. Report forms for this purpose are forwarded to the business office of the grantee institution, together with the copy of the instrument; additional forms may be requested. Two copies of the final fiscal report should be forwarded to NASA after work under the grant or cooperative agreement has been completed.

Note.—This appendix will appear in the CFR.

Appendix—Listing Exhibits and Attachments

Exhibit A—Assurance of Compliance—Civil Rights Act (NASA Form 1206).
Exhibit B—Research Grant Award (NASA Form 1463).
Exhibit C—Cooperative Agreement (NASA Form 1562).
Exhibit D—NASA Provisions for Research Grants and Cooperative Agreements (NASA Form 1463A).
Exhibit E—Step Funding Illustration.
Exhibit F—Instructions to Recipient Organizations for Acquiring Advance Payments.
Exhibit G—Patent Rights (Small Business Firm or Nonprofit Organization).
Attachment 1—Authorized Signature Card for Payment Vouchers on Letter of Credit (Standard Form 1194).
Attachment 2—Letter of Credit (Standard Form 1193).
Attachment 3—Payment Voucher on Letter of Credit (Sample) (TFS 5401).
Attachment 4—Federal Cash Transactions Report (Standard Form 272).
Attachment 5—Federal Cash Transactions Report (Continuation) (Standard Form 272-A).

The preceding list of forms and instructions may be obtained by the Grantee from the Procurement Officer of the following NASA Offices:

Ames Research Center, National Aeronautics and Space Administration, Moffett Field, CA 94035

Goddard Space Flight Center, National Aeronautics and Space Administration, Greenbelt, MD 20771
John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, FL 32899
Langley Research Center, National Aeronautics and Space Administration, Hampton, VA 23665
Lewis Research Center, National Aeronautics and Space Administration, Cleveland, OH 44135
Lyndon B. Johnson Space Center, National Aeronautics and Space Administration, Houston, TX 77058
George C. Marshall Space Flight Center, National Aeronautics and Space Administration, Huntsville, AL 35812
National Space Technology Laboratories, National Aeronautics and Space Administration, NSTL Station, MS 39529
Headquarters Contracts and Grants Division, National Aeronautics and Space Administration, Washington, DC 20546

Note.—This exhibit will appear in the CFR.

Exhibit G—Patent Rights

(Small Business Firm or Nonprofit Organization) (July 1981)

(a) *Definitions.*

(1) "Invention" means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code.

(2) "Subject Invention" means any invention of the Grantee conceived or first actually reduced to practice in the performance of work under this grant.

(3) "Practical Application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.

(4) "Made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(5) "Small Business Firm" means a small business concern as defined at Section 2 of Pub. L. 85-536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this clause, the size standards for small business concerns involved in Government procurement, contained in 13 CFR 121.3-8, and in subcontracting, contained in 13 CFR 121.3-12, will be used.

(6) "Nonprofit Organization" means universities and other institutions of higher education or an organization of the type described in Section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under Section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a State nonprofit organization statute.

(b) *Allocation of Principal Rights.* The Grantee may retain the entire right, title, and interest throughout the world to each Subject Invention subject to the provisions of this clause. With respect to any Subject Invention in which the Grantee retains title, the Federal Government shall have a non-exclusive, non-transferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any Subject Invention throughout the world for which the Grantee has elected to retain title.

(c) *Invention Disclosure, Election of Title and Filing of Patent Applications by Grantee.* (1) After a Subject Invention has been disclosed in writing by the inventor(s) to Grantee personnel responsible for the administration of patent matters, the Grantee will:

(i) Disclose such invention to the Grants Officer within six months;

(ii) Elect whether or not to retain title to any such invention by notifying the Grants Officer within twelve months of disclosure to the Grantee, but in any event, at least three months (unless shortened by the Grants Officer) before (A) a public use or on sale of the invention occurs, (B) a manuscript describing the invention is submitted for publication without assurances of confidentiality, or (C) the invention is otherwise made available to the public;

(iii) File its initial patent application on an elected invention within two years after election; and

(iv) File patent applications in additional countries within either, ten months of the corresponding initial patent application, or six months from the date a license is granted by the Commissioner of Patents and Trademarks to file foreign patent applications when such filing was prohibited for security reasons.

(2) Request for extension of the time for disclosure to the Grants Officer, election and filing, where reasonable, will normally be granted.

(3) The disclosure to the Grants Officer shall be in the form of a written report and shall identify the grant under which the invention was made and the inventor(s). It shall be sufficiently complete in technical detail to convey a clear understanding of the nature, purpose, operation, and, to the extent known, the physical, chemical, biological or electrical characteristics of the invention. The report shall also identify any publication, on sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication and accepted at the time of disclosure.

(d) *Forfeiture of Title.* (1) The Grantee will convey to NASA, upon written request title to any Subject Invention:

(i) If the Grantee fails to disclose or elect the Subject Invention within the times specified in (c) above, or elects not to retain title;

(ii) In those countries in which the Grantee fails to file patent applications within the times specified in (c) above: *Provided however,* That if the Grantee has filed a patent application in a country after the times specified in (c) above but prior to its receipt of the written request of NASA, the Grantee shall continue to retain title in that country; or

(iii) In any country in which the Grantee decides not to continue the prosecution of any application for, to pay the maintenance fees on, or defend in a reexamination or opposition proceeding on, a patent on a Subject Invention.

(e) *Minimum Rights to Grantee.* The Grantee will retain a nonexclusive, royalty-free, license throughout the world in each Subject Invention to which the Government obtains title except if the Grantee fails to disclose the Subject Invention within the times specified in (c) above. This license extends to, and is revocable and transferable as, specified in 9.108-4(b) of the NASA Procurement Regulation.

(f) *Grantee Action to Protect Government's Interest.* (1) The Grantee agrees to execute or to have executed and promptly deliver to NASA all instruments necessary to—

(i) Establish or confirm the rights the Government has throughout the world in those Subject Inventions for which the Grantee retains title, and

(ii) Convey title to NASA when requested under (d) above and to enable the Government to obtain patent protection throughout the world on that Subject Invention.

(2) The Grantee agrees to require, by written agreement, its employees, other than clerical and non-technical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the Grantee each Subject Invention made under this grant in order that the Grantee can comply with the disclosure provisions of (c) above and to execute all papers necessary to file patent applications on Subject Inventions and to establish the Government's rights in the Subject Inventions. The disclosure format should require as a minimum, the information requested by subparagraph (c)(3) above. The Grantee shall instruct such employees through the employee agreements or other suitable educational programs on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to United States or foreign statutory bars.

(3) The Grantee will notify the NASA of any decision not to continue prosecution of a patent application, pay maintenance fees, or defend in a reexamination or opposition proceeding on a patent, in any country, not less than thirty days before the expiration of the response period required by the patent office.

(4) The Grantee agrees to include, within the specification of any United States patent application and any patent issuing thereon covering a Subject Invention, the following statement, "This invention was made with Government support under (identify the grant) awarded by NASA. The Government has certain rights in this invention."

(5) The Grantee shall furnish the Grants Officer:

(i) Interim reports every twelve months from the date of this grant, listing all Subject Inventions required to be disclosed during that period;

(ii) A final report prior to close out of this grant listing all Subject Inventions;

(iii) Notification of all subcontracts for experimental, developmental, research,

design or engineering work; identification of the patent rights clause therein, and a copy of the subcontract upon request; and

(iv) Upon request, the filing date, serial number, and title; a copy of the patent application; and patent number and issue date for any Subject Invention in any country in which the Grantee has applied for patents.

(g) *Subcontracts.* (1) The Grantee shall include this clause, suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental, developmental or research work to be performed in the United States, its possessions, or Puerto Rico, by a small business firm or a nonprofit organization. The subcontractor will retain all rights provided for the Grantee in this clause, and the Grantee will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's Subject Inventions.

(2) The Grantee will include in all subcontracts, regardless of tier, for experimental, developmental, research, design or engineering work with other than a small business firm or nonprofit organization the patent rights clause required by 9.107–4(b) of the NASA Procurement Regulation.

(h) *Reporting on Utilization of Subject Inventions.* The Grantee agrees to submit on request periodic reports no more frequently than annually on the utilization of a Subject Invention or on efforts at obtaining such utilization that are being made by the Grantee or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the Grantee, and such other data and information as NASA may reasonably specify. The Grantee also agrees to provide additional reports as may be requested by NASA in connection with any march-in proceeding or informal investigation undertaken by NASA in accordance with 9.108–12 of the NASA Procurement Regulation. To the extent data or information supplied under this section is considered by the Grantee, its licensee or assignee to be privileged and confidential and is so marked, NASA agrees that, to the extent permitted by 35 U.S.C. 202(c)(5), it will not disclose such information to persons outside the Government.

(i) *Preference for United States Industry.* Notwithstanding any other provision of this clause, the Grantee agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell any Subject Invention in the United States unless such person agrees that any products embodying the Subject Invention or produced through the use of the Subject Invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by NASA upon a showing by the Grantee or assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

(j) *March-In Rights.* The Grantee agrees that with respect to any Subject Invention in which it has acquired title, NASA has the right in accordance with the procedures of 9.108–12 of the NASA Procurement Regulation to require the Grantee, an assignee or exclusive licensee of a Subject Invention to grant a nonexclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the Grantee, assignee, or exclusive licensee refuses such a request, NASA has the right to grant such a license itself if NASA determines that:

(1) Such action is necessary because the Grantee or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the Subject Invention in such field of use;

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the Grantee, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the Grantee, assignee, or licensees; or

(4) Such action is necessary because the agreement required by section (i) of this clause has not been obtained or waived or because a licensee of the exclusive right to use or sell any Subject Invention in the United States is in breach of such agreement.

(k) *Special Provisions for Grants with Nonprofit Organizations.* If the Grantee is a nonprofit organization, it agrees that:

(1) Rights to a Subject Invention in the United States may not be assigned without the approval of NASA except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention (*Provided*, That such assignee will be subject to the same provisions as the Grantee);

(2) The Grantee may not grant exclusive licenses under United States patents or patent applications in Subject Inventions to persons other than small business firms for a period in excess of the earlier of (i) five years from first commercial sale or use of the invention, or (ii) eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance, unless on a case-by-case basis, NASA approves a longer exclusive license. If exclusive field of use licenses are granted, commercial sale or use in one field of use will not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention will not be deemed to end the exclusive period to different subsequent products covered by the invention;

(3) The Grantee will share any royalties collected on a Subject Invention with the inventor(s); and

(4) The balance of any royalties or income earned by the Grantee with respect to Subject Inventions, after payment of expenses (including payments to inventors) incidental to the administration of Subject Inventions, will be utilized for the support of scientific research or education.

[FR Doc. 81-37190 Filed 12-30-81; 8:45 am]

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CIVIL AERONAUTICS BOARD

14 CFR Part 322

[Reg. PR-232]

Automatic Market Entry Procedures; Revocation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB revokes its rule governing the procedures to be followed by airlines seeking new routes under the Automatic Market Entry Program. This action is taken because the statutory authority for this program has expired.

DATES: Adopted: December 16, 1981. Effective: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: Section 401(d)(7) of the Federal Aviation Act of 1958, which was added by section 12 of the Airline Deregulation Act of 1978, established the Automatic Market Entry (AME) program. Under this program, air carriers were able to apply for and recieve one new route per year without having to undergo a proceeding to determine whether the additional service was consistent with the public convenience and necessity, as they would under other provisions of the Act.

Part 322 of the Board's rules (14 CFR Part 322) set forth the procedures that air carriers were to follow in applying for new routes under this program. By this notice, we are revoking this rule. The statutory authority (section 401(d)(7)) for the AME program has expired by its own terms. Furthermore, after December 31, 1981, air carriers will not need Board permission to commence service on additonal routes. Section 1601(a)(1)(C). They will be able to begin new service on their own initiative without having to follow the procedures of the AME or any other Board program.

Since Part 322 is procedural in nature and the statutory authority for it has expired, the Board finds that it may be revoked without notice and public procedure and that this action may take effect in less than 30 days.

Part 322—Automatic Market Entry Procedures [Reserved]

Accordingly, 14 CFR Part 322, Automatic Market Entry Procedures, is removed and reserved.

(Secs. 204 and 401, Pub. L. 85-726, as amended, 72 Stat. 743, 92 Stat. 1716; [49 U.S.C. 1324, 1371])

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37281 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 970

Civil Procedures; Interim Regulations

Correction

In FR Doc. 81-34431 appearing on page 61643 in the issue for Friday, December 18, 1981, make the following correction:

On page 61652, middle column, the heading for Part 970 now reading "Part 970—Deep Seabed Mining Regulations Affecting Pre-Enactment Explorers" should have read "Part 970—Deep Seabed Mining Regulations for Exploration Licenses".

BILLING CODE 1505-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1000

Commission Organization and Functions

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission is publishing revisions to its statement of organization and functions to reflect organizational changes made since December 31, 1980. These include a reduction in the number of regional offices; elimination of the Directorate for Field Operations, the Directorate for Communications, and the Office of Media Relations; renaming the Directorate for Hazard Identification and Analysis; creation of a Directorate for Economics and an Office of Public Affairs; and relocation of certain organizational units from Washington, D.C. to Bethesda, Maryland.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Sadye E. Dunn, Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Telephone (202) 634-7700.

SUPPLEMENTARY INFORMATION: The Commission is revising its statement of organization and functions, 16 CFR Part 1000, to include organizational changes since the part was last substantively revised on December 31, 1980, 45 FR 86415. The organizational changes are summarized below:

1. Certain functions of the Commission's Directorate for Hazard Identification and Analysis were transferred to a newly created Directorate for Economics, and the Directorate for Hazard Identification and Analysis was renamed the Directorate for Epidemiology.

2. The Commission's field organization was reduced from 10 Regional Offices and 3 District Offices to 5 Regional Offices. Some of the Regional Offices have moved to new addresses.

3. The Directorate for Field Operations was abolished, and certain of its functions transferred to the Office of the Executive Director.

4. The Directorate for Communications was abolished and certain of its functions were transferred to a newly created Office of Public Affairs, a newly created Office of Outreach Coordination, and the Office of Administration. Its Hotline and Correspondence functions were transferred to the Office of the Secretary.

5. The Office of Media Relations was abolished and its functions were transferred to the newly created Office of Public Affairs which reports to the Chairman.

6. The Office of General Counsel and the Office of the Secretary, except for the public reading room, were relocated from the Commission's headquarters at 1111 18th Street, N.W., Washington, D.C. to its offices at 5401 Westbard Avenue, Bethesda, Maryland.

Since this amendment deals only with internal agency organization, it is being made effective immediately and comments are not being solicited.

For the foregoing reasons, Part 1000 of Chapter II of Title 16 of the Code of Federal Regulations is amended as shown.

PART 1000—COMMISSION ORGANIZATION AND FUNCTIONS

1. The authority citation for Part 1000 reads as follows:

Authority: 5 U.S.C. 552(a).

2. Sections 1000.4, 1000.12, 1000.17 and 1000.21 are revised to read as follows:

§ 1000.4 Commission addresses.

(a) The principal offices of the Commission are in Washington, D.C. All written communications with the Commission should be addressed to the Consumer Product Safety Commission, Washington, D.C. 20207, unless otherwise specifically directed.

(b) The main headquarters of the Commission are at 1111 18th Street, N.W., Washington, D.C. At this location are the Offices of the Chairman and Commissioners, Office of Congressional Relations, Office of Public Affairs, a hearing room, and a public reading room maintained by the Office of the Secretary.

(c) The Office of the General Counsel, Office of the Secretary, Office of Internal Audit, Office of Equal Employment Opportunity and Minority Enterprise, the Executive Director and the operating units under his or her authority, are located at 5401 Westbard Avenue, Bethesda, Maryland.

(d) The Commission has 5 Regional Offices which are located at the following addresses and which serve the states indicated:

(1) Southeastern Regional Office, 800 Peachtree St. N.E., Suite 210, Atlanta, Georgia 30308; Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

(2) Midwestern Regional Office, 230 South Dearborn St., Room 2945, Chicago, Illinois 60604; Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, and Wisconsin.

(3) Southwestern Regional Office, 1100 Commerce St., Room 1 C10, Dallas, Texas 75242; Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

(4) Northeastern Regional Office, 6 World Trade Center, Vesey Street, 6th Floor, New York, New York 10048; Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, and Virgin Islands.

(5) Western Regional Office, U.S. Customs House, 555 Battery St., Room 416, San Francisco, California 94111; Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

§ 1000.12 Organization structure.

The Consumer Product Safety Commission is composed of the principal units listed in this section.

(a) The following units report directly to the Chairman of the Commission:

(1) Office of the General Counsel;

(2) Office of Congressional Relations;

(3) Office of Administrative Law Judge;

(4) Office of Public Affairs;

(5) Office of the Secretary;

(6) Office of Internal Audit;

(7) Office of Equal Employment Opportunity and Minority Enterprise;

(8) Office of the Executive Director.

(b) The following units report directly to the Executive Director of the Commission:

(1) Office of Program Management;

(2) Office of Budget, Program Planning and Evaluation;

(3) Office of Outreach Coordination;

(4) Directorate for Epidemiology;

(5) Directorate for Economic Analysis;

(6) Directorate for Engineering Sciences;

(7) Directorate for Health Sciences;

(8) Directorate for Compliance and Administrative Litigation;

(9) Directorate for Administration;

(10) Five Regional Offices.

§ 1000.17 Office of Public Affairs.

The Office of Public Affairs is responsible for the development, implementation, and evaluation of a comprehensive national public affairs program designed to promote product safety. The Office develops and maintains relations with a wide range of national groups, including: Consumer organizations; business groups; trade associations; state and local government associations; labor organizations; medical, legal, scientific, and other professional associations; national print and broadcast media; and other Federal health, safety, and consumer affairs agencies.

§ 1000.21 Office of the Executive Director.

The Executive Director, under the broad direction of the Chairman and in accordance with Commission policy, acts as the chief operating manager of the agency, supporting the development of the agency's budget and operating plan before and after Commission approval, and managing the execution of those plans. The Executive Director has direct line authority over six operating directorates: Epidemiology, Economic Analysis, Engineering Sciences, Health Sciences, Compliance and Administrative Litigation, and Administration; the Office of Program Management; the Office of Budget, Program Planning, and Evaluation; the Office of Outreach Coordination; and the five Regional Offices.

§§ 1000.28 and 1000.30 [Removed]

3. Sections 1000.28 and 1000.30 are removed.

§§ 1000.25 1000.26, 1000.27 and 1000.29 Redesignated as §§ 1000.27, 1000.28, 1000.29 and 1000.30.

4. Sections 1000.25, 1000.26, 1000.27, and 1000.29 are redesignated as sections 1000.27, 1000.28, 1000.29, and 1000.30 respectively.

5. Section 1000.24 is revised to read as follows:

§ 1000.24 Office of Outreach Coordination.

The Office of Outreach Coordination is responsible for implementing and monitoring, through CPSC's five regional offices, comprehensive public information, education, and other activities designed to promote consumer product safety and explain CPSC actions and policies on regional, state, and local levels. The Office coordinates the activities of the CPSC Regional Offices, Directorates, and the Office of Program Management in implementing comprehensive public outreach programs. It also assists the Office of Public Affairs by implementing outreach activities involving national business, consumer, and professional associations in local or regional meetings.

6. Section 1000.25 is added to read as follows:

§ 1000.25 Directorate for Epidemiology.

The Associate Executive Director for Epidemiology manages the Directorate for Epidemiology, which is responsible for injury data analysis to identify hazards or hazard patterns. The Directorate collects data on consumer product-related hazards and potential hazards, determines the frequency, severity, and distribution of the various types of injuries, and investigates their causes. It assesses the effects of product safety standards and programs on consumer injuries, conducts epidemiological studies and research in the fields of consumer-related injuries, and provides data describing the human factors aspects of injury. It maintains an injury data clearinghouse and manages the National Electronic Injury Surveillance System (NEISS). The Directorate also provides analysis and advice to assure that technical standards requirements are compatible with human anthropometric, perception, and other performance tolerances. It assists in reviewing hazard patterns and epidemiological analysis to clarify possible injury patterns attributed to human factors and advises on all other Commission activities requiring human factors input. It provides appropriate analytical representation to the Office of Program Management.

7. Section 1000.26 is added to read as follows:

§ 1000.26 Directorate for Economic Analysis.

The Associate Executive Director for Economic Analysis manages the Directorate for Economic Analysis which provides the Commission with advice and information on economic and environmental matters and on the economic, social and environmental effects of Commission actions. It analyzes the potential effects of CPSC actions on consumers and on industries, including effects on competitive structure and commercial practices. The Directorate acquires, compiles, and maintains economic data on movements and trends in the general economy and on the production, distribution, and sales of consumer products and their components to assist in the analysis of CPSC priorities, policies, actions, and rules. It plans and carries out economic surveys of consumers and industries. It studies the costs of accidents and injuries. It evaluates the economic, societal, and environmental impact of product safety rules and standards. It performs such regulatory analyses and such studies of costs and benefits of CPSC actions as are required by the Consumer Product Safety Act, The National Environmental Policy Act, the Regulatory Flexiblity Act and other Acts, and by policies established by the Consumer Product Safety Commission.

Dated: December 28, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-37460 Filed 12-30-81; 8:45 am]

BILLING CODE 6355-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 8879]

Grolier Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on March 13, 1978 (43 FR 18652; 91 F.T.C. 315), by changing the disclosure requirements contained in Paragraphs II (A), (B), (D), and (E), so as to give respondent a choice of several approved methods of

making required disclosures in advising those who reply to respondent's solicitations that they may be contacted directly by a salesperson; and allows sales personnel to present a business card containing prescribed information, when making a sales visit.

DATES: Order issued March 13, 1978. Modifying order issued December 10, 1981.

FOR FURTHER INFORMATION CONTACT: FTC/PS, David C. Fix or Robert D. Friedman, Washington, D.C. 20580. (202) 724–1037.

SUPPLEMENTARY INFORMATION: In the Matter of Grolier Incorporated, a corporation, et al. Codification appearing at 43 FR 18652 remains unchanged.

The Order Modifying Cease and Desist Order is as follows:

Before the Federal Trade Commission

In the matter of Grolier Incorporated, a corporation, et al. Docket No. 8879.

Order Modifying Cease and Desist Order

On August 13, 1981, the Commission issued an order denying respondent's motion to disqualify the Administrative Law Judge who rendered the Initial Decision in this proceeding. In its order, the Commission also invited the parties in this matter to file before the Commission their views as to whether the original Final Order of the Commission, 91 FTC 315 (1978), should be modified to conform to the modified order in *Encyclopedia Britannica*, 96 FTC 778 (1980).

On September 30, 1981, respondent filed a response to the Commission's order. In this submission, respondent first proposed modifying the *Grolier* order to incorporate modifications made in *Britannica* on October 28, 1980. Second, respondent asked for guarantees that any future modifications in *Britannica* also be granted to respondents here. Third, respondent moved that the instant proceeding be stayed until the Commission takes action on a pending motion for further modifications in the *Britannica* order. Finally, respondent also seeks a stay on the ground that a trade regulation rulemaking, rather than an adjudication, is the appropriate manner to conduct further proceedings involving Grolier.

Complaint counsel, on October 14, 1981, filed its answer to respondent's submission, pursuant to the August 13 order. Complaint counsel do not oppose modification of the *Grolier* order to conform with modifications already made in *Britannica*. But, they oppose any assurances of future modifications on the ground that in the event of such modifications, the Commission's rules afford Grolier an appropriate procedural vehicle, Rule 2.51(b), by which Grolier may petition for further modifications in its order. An assessment of whether further modifications should be made in either of the orders in question depends on facts and circumstances particular to the acts and practices of each company. Complaint counsel also oppose granting any stay in order to facilitate a conversion of this adjudication to a rulemaking proceeding.

The Commission agrees with the parties that the modifications in the *Britannica* order granted on October 28, 1980, should now be granted to Grolier. However, the Commission believes that the issue of further modifications in *Britannica* cannot now be resolved with respect to this respondent because the request for further modifications that Britannica made (and which we will allow Grolier to make) depends upon experience in complying with the first modification. See paragraphs 2 and 3, *infra*. Britannica has had this experience, but Grolier has not.[1] Moreover, Grolier has available to it a right to petition the Commission for reopening the *Grolier* matter should any further modifications in *Britannica* justify similar treatment of Grolier. Therefore, a stay of this matter pending further events in *Britannica* would be inappropriate.

Nor does the Commission believe a stay is justified pending resolution of this matter by an industrywide rulemaking proceeding. Respondents rely on *Ford Motor Co.* v. *FTC*, 654 F.2d 599 (9th Cir. 1981) for the proposition that rulemaking is preferable to adjudication where the Commission is attempting to change existing law or to establish rules of widespread application. In this matter the Commission did not engage in any novel interpretation of existing law as the court of appeals believed occurred in *Ford Motor Co.*, but rather the Commission declared practices to be unlawful that were established as violations of Section 5 of the FTC Act over a decade ago, see, e.g., *P. F. Collier & Son Corp.* v. *F.T.C.*, 427 F.2d 261 (6th Cir.), *cert. denied*, 400 U.S. 926 (1970). It is true that issues of relief involving affirmative disclosures distinguish *Grolier* from earlier cases, but the crafting of relief is particular to the facts and circumstances of each case. In this instance, affirmative disclosures were ordered because of the Commission's experience that mere cease and desist order provisions were inadequate to remedy the abuses found to be in violation of Section 5, practices that had persisted over time, despite earlier prohibitive relief. *Grolier, Inc.*, 91 F.T.C. 315, 437, n.98. In this regard, the Seventh Circuit held, in a related case, that rulemaking was not required to replace adjudication where relief differed because "[a] prior insufficient order does not necessitate the insufficiency of all later orders." *Encyclopaedia Britannica, Inc.* v. *FTC*, 605 F.2d 964, 974 (7th Cir. 1979), *cert. denied*, 445 U.S. 934 (1980).

[1] Grolier's argument that it would be at a competitive disadvantage if the Commission does not now assure Grolier it will receive all future modifications granted in *Britannica* is disingenuous. As matters now stand, Britannica is bound by our order while Grolier is not. Grolier has offered no evidence that it is voluntarily complying with our order and until it does comply it probably has a competitive advantage.

Therefore, it is ordered, that Paragraphs II(A), (B), (D), and (E) of the Order issued in this docket on March 13, 1978, shall be modified as follows:

1. Paragraph II(A) shall read:

A. Disseminating or causing to be disseminated any advertisement of promotional material which solicits participation in any contest, drawing or sweepstakes, or solicits any response to any offer of merchandise, service or information, unless any such solicitation clearly and conspicuously discloses that a person who replies as requested may be contacted directly by a salesperson for the purpose of selling respondent's products, using one of the following disclosures:

1. IMPORTANT: This card will let you know of my interest and enable your [location designation, if appropriate] sales representative to

(contact me at home)
(call or visit me) with (details)
(contact me in person) (facts)
(information)

on how I may (purchase) [applicable product].
(buy)

2. IMPORTANT: Returning this card allows me to have your [location designation, if appropriate] sales representative

(contact me at home)
(call or visit me) with (details)
(contact me in person) (facts)
(information)

on how I may (purchase) [applicable product].
(buy)

3. IMPORTANT: Returning this card will enable your [location designation, if appropriate] sales representative to

(contact me at home)
(call or visit me) with (details)
(contact me in person) (facts)
(information)

on how I may (purchase) [applicable product].
(buy)

Upon prior approval in writing of the Assistant Director of the Division of Compliance of the Bureau of Consumer Protection, or his designee, respondent may use any other disclosure that clearly and conspicuously discloses that a person who replies as requested may be contacted directly by a salesperson for the purpose of selling respondent's products. A request for approval shall be in writing and shall be deemed granted if not disapproved within 30 days after receipt by the Assistant Director of the Division of Compliance of the Bureau of Consumer Protection.

2. Paragraph II(B) shall read:

B. Providing any return card, coupon or other device which is used to respond to any advertisement or promotional material covered by Paragraph II(A) above, unless one of the disclosures set forth in such Paragraph, or a disclosure approved by the Assistant Director of the Division of Compliance or his designee as satisfying the requirements of Paragraph II(A), clearly and conspicuously appears in immediate proximity to the space provided for a signature or other identification of the responding party. During the one (1) year period from the date this Order becomes final, respondent may submit a request to reopen these proceedings pursuant to Section 2.51 of the Commission's Rules of Practice. Such petition shall contain information demonstrating that any proposed modifications of Paragraphs II(A) and II(B) will clearly and conspicuously disclose to potential purchasers of respondent's products that a person who replies as requested may be contacted directly by a salesperson for the purpose of selling respondent's products. The foregoing sentence shall not be construed as a limitation of respondent's submission of additional information regarding the request to reopen, including information relating to the financial impact of Paragraph II(A) and II(B) on respondent. Should a request be submitted, the Commission shall determine whether to reopen these proceedings within one hundred twenty (120) days of receipt of such request. The procedure to reopen the proceedings as set forth herein is in addition to, and not in lieu of, any other procedure (or time period with respect to such procedure) permitted by law or the Commission's Rules of Practice.

3. Paragraph II(D) shall be amended by adding the following proviso at the end thereof:

Provided, however, That for one (1) year from the date this Order becomes final, respondent may, in lieu of the card required by this Paragraph of the Order, substitute a business card of at least 2 inches by 3½ inches containing only the following information:

1. The name of the corporation.
2. The name of the salesperson.
3. The term "sales representative".
4. An address and telephone number at which the corporation or salesperson may be contacted.
5. The product or the corporation logo or identifying mark.

During this one (1) year period, respondent shall comply in all other respects with the requirements of Paragraph II(D) above. Prior to the expiration of the aforesaid time period, respondent may submit a request to reopen these proceedings pursuant to Section 2.51 of the Commission's rules of practice. Such petition shall contain information demonstrating that the business card required in Paragraph II(D), as modified above, is effective in communicating to potential purchasers, prior to the entry into their homes or places of business by any of respondent's sales representatives, that the purpose of the sales representative's call is to solicit the sale of respondent's products. The foregoing sentence shall not be construed as a limitation on respondent's submission of additional information regarding the request to reopen, including information on the financial impact of Paragraph II(D) on respondent. Should a request be submitted, the Commission shall determine whether to reopen these proceedings within one hundred twenty (120) days of receipt of such request. Respondent may continue to use the business card, as described by this proviso, during the time that a request to reopen these proceedings pursuant to this Paragraph is pending, and, if such proceedings are reopened, until the Commission determination of the matter has become final. The procedure to reopen the proceedings as set forth herein is in addition to, and not in lieu of, any other procedure (or time period with respect to such procedure) permitted by law of the Commission's Rules of Practice.

4. Paragraph II(E) shall be amended by striking the words "to direct each such person to read the information contained on such card." The amended paragraph shall read:

E. Failing to give the card, required by Paragraph II(D), above, to each person and to provide each such person with an adequate opportunity to read the card before engaging any such person in any sales solicitation.

It is further ordered, That the foregoing modifications shall become effective upon service of this Order.

It is further ordered, That in all other respects, respondent's other requests are denied.

By Direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-37341 Filed 12-30-81; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1018

Revisions to Advisory Committee Management Regulations

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission is amending its advisory committee management regulations to delete references to three advisory committees which were abolished by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). The Commission is also correcting certain citations and making other minor corrections.

DATE: These amendments are effective December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara Rosenfeld, Advisory Committee Management Officer, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 202–634–7700.

SUPPLEMENTARY INFORMATION: Prior to August 13, 1981, the Commission had four statutory advisory committees as described in §§ 1018.12 and 1018.15 of the Commission's advisory committee management regulations. The Product Safety Advisory Council provided the Commission with diverse viewpoints on major policy issues, proposed rulemaking, and approaches to special problems and issues. The National Advisory Committee for the Flammable Fabrics Act provided the Commission with advice, opinions, and recommendations on its proposed regulations or other programs to reduce the frequency and severity of burn injuries involving flammable fabrics. The Technical Advisory Committee on Poison Prevention Packaging provided the Commission with advice and recommendations on the establishment of packaging standards to protect children from serious personal injury or illness resulting from handling, using, or ingesting household substances and reviewed and evaluated petitions requesting exemptions from poison prevention packaging regulations. The Toxicological Advisory Board provides the Commission with scientific and technical advice on precautionary labeling for hazardous substances.

Section 1205 of Pub. L. 97–35, enacted August 13, 1981, repealed the statutory authority for three of these committees: the Product Safety Advisory Council, the National Advisory Committee for the Flammable Fabrics Act, and the Technical Advisory Committee on Poison Prevention Packaging. Sections 1018.12 and 1018.15 are accordingly being revised to remove references to the terminated committees. In addition, the material in these sections relating to the Commission's remaining committee, the Toxicological Advisory Board, is being revised by correction of a section number in the U.S. Code citation of the Federal Hazardous Substances Act and by addition of the corresponding Statutes at Large citation. Section 1018.12 is being additionally revised to indicate that the Toxicological Advisory Board is the remaining statutory committee subject to the Federal Advisory Committee Act. While section 1206 of Pub. L. 97–35 also provides for new chronic hazard advisory panels, these panels are exempt from the Federal Advisory Committee Act, and thus are not provided for in these regulations. The Commission is preparing regulations for these panels, and will publish them as a separate part of Title 16.

A new paragraph is being added to § 1018.4, Applicability, to make explicit the fact that Part 1018 does not apply to committees specifically exempted by statute from the Federal Advisory Committee Act. As mentioned above, the chronic hazard advisory panels are specifically exempted from the Federal Advisory Committee Act by statute.

Also, several references to the OMB Committee Management Secretariat are being revised to reflect the transfer of the Committee Management Secretariat from OMB to the General Services Administration as effected by Reorganization Plan No. 1 of 1977, 91 Stat. 1633.

Since these amendments relate to matters of internal agency policy and management, and merely reflect changes effected by acts of Congress or the President, they are being made effective immediately and comments are not being solicited, in accordance with the provisions of 5 U.S.C. 553(a)(2).

PART 1018—ADVISORY COMMITTEE MANAGEMENT

For the reasons set out above, Part 1018 of Title 16 of the Code of Federal Regulations is amended as shown.

1. The authority citation for Part 1018 is as follows:

Authority: Sec. 8, Pub. L. 92–463, 86 Stat. 770 (5 U.S.C. App. I).

2. Section 1018.2(h) is revised to read as follows:

§ 1018.2 Definitions.

* * * * *

(h) "GSA Secretariat" means the Committee Management Secretariat of the General Services Administration.

* * * * *

3. Section 1018.4 is revised by adding paragraph (c) to read as follows:

§ 1018.4 Applicability.

* * * * *

(c) This part shall not apply to a committee or other group to the extent that it is specifically exempted by statute from the Federal Advisory Committee Act.

4. Section 1018.12 is revised to read as follows:

§ 1018.12 Statutory advisory committees.

The Commission has one statutory advisory committee subject to the Federal Advisory Committee Act. The Toxicological Advisory Board was established by the Commission on December 22, 1978, pursuant to section 20 of the Federal Hazardous Substances Act, as amended (Pub. L. 95–631, 92 Stat. 3747, 15 U.S.C. 1275).

5. Section 1018.15 is revised to read as follows:

§ 1018.15 Membership composition.

The Toxicological Advisory Board, as specified in section 20 of the Federal Hazardous Substances Act, as amended (Pub. L. 95–631, 92 Stat. 3747, 15 U.S.C. 1275), shall be composed of nine members appointed by the Commission. Each member of the Board shall be qualified by training and experience in one or more fields applicable to the duties of the Board, and at least three of the members of the Board shall be members of the American Board of Medical Toxicology. The Commission will seek a balanced membership, including individuals representative of consumers, government and industry.

§ 1018.11 [Amended]

§ 1018.43 [Amended]

§ 1018.62 [Amended]

6. In addition to the amendments set forth above, 16 CFR Part 1018 is amended by removing the word "OMB" and inserting, in its place, the word "GSA" in the following places:

16 CFR 1018.11(a);
16 CFR 1018.43;
16 CFR 1018.62 (c) and (d).

Dated: December 24, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-37252 Filed 12-30-81; 8:45 am]

BILLING CODE 6355-01-M

16 CFR Parts 1201, 1402, 1505, 1615, 1616, and 1632

Technical Amendments to Standards and Regulations To Correct Incorporations by Reference

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission has issued several standards and regulations which contain citations to existing procedures, test methods, or standards, and provide that the cited materials will be used to determine compliance with the Commission's requirements. This procedure is called "incorporation by reference," and can be done only with the approval of the Director of the Federal Register. Some of the Commission's standards and regulations contain incorporations by reference which do not meet all applicable requirements established by the Office of the Federal Register, and published at 1 CFR Part 51. The Commission is issuing technical amendments to those standards and regulations so that they will meet all requirements for incorporation by reference. These technical amendments do not change any substantive provision of any of the standards or regulations which are the subject of this notice.

DATE: These technical amendments shall be effective December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Allen F. Brauninger, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6980.

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Commission (Commission) issues standards and regulations under several statutes, including the Consumer Product Safety Act (CPSA, 15 U.S.C. 2051 et seq.), the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261 et seq.), and the Flammable Fabrics Act, (FFA, 15 U.S.C. 1191, et seq.). The Commission has in force several standards and regulations under these statutes which contain citations to one or more existing procedures, test methods, or standards, and provide that provisions of the cited materials will be followed for purposes of determining compliance with the Commission's standard or regulation. This procedure is called "incorporation by reference," a technique employed to make the cited materials a part of the standard or regulation without the necessity of publishing the text of the cited materials, which in some cases can be voluminous. When done in accordance with the Administrative Procedure Act (5 U.S.C. 552(a)) and regulations issued by the Director of the Federal Register (1 CFR Part 51), incorporation by reference gives the cited materials the force and effect of law.

Some of the incorporations by reference appearing in the Commission's standards and regulations which were issued before 1979 do not comply with requirements for incorporation by reference set forth in 1 CFR Part 51, or with the format established by the Office of the Federal Register for incorporation by references.

For example, some do not contain an explicit statement that the cited material is incorporated by reference. Others do not state that the incorporation by reference has been approved by the Director of the Federal Register. some others do not state that the material incorporated by reference is available for inspection at the Office of the Federal Register.

For this reason, the Commission is making technical amendments to portions of the following standards and regulations so that they will meet all applicable requirements for incorporation by reference:

1. Safety Standard for Architectural Glazing Material, 16 CFR Part 1201, §§ 1201.4(b)(3), 1201.4(d)(2), 1201.4(e)(1), and 1201.7(b).

2. CB Base Station Antennas, TV Antennas, and Supporting Structures, 16 CFR Part 1402, § 1402.4(a)(1).

3. Requirements for Electrically Operated Toys or Other Electrically Operated Articles Intended for Use by Children, 16 CFR Part 1505, § 1505.5(e)(5), 1505.5(h)(2), 1505.6(e)(3), 1505.6(g)(5).

4. Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X (FF 3-71), 16 CFR Part 1615, § 1615.4(g)(4).

5. Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14 (FF 5-74), 16 CFR Part 1616, § 1616.5(c)(4).

6. Standard for the Flammability of Mattresses (and Mattress Pads) (FF 4-72), 16 CFR Part 1632, § 1632.5(b)(1).

Generally, the Administrative Procedure Act (APA, 5 U.S.C. 553) requires that agencies must give notice of proposed rulemaking and provide opportunity for interested parties to submit written comments on the proposal before a rule can be issued or amended. However, 5 U.S.C. 553(b)(B) provides that notice of proposed rulemaking and public participation are not required when the agency makes a finding for good cause that such notice and opportunity for comment are "impracticable, unnecessary, or contrary to the public interest."

The Commission finds for good cause that notice of proposed rulemaking and opportunity for comment are not necessary for issuance of the amendments published below because they do not affect any substantive requirement or provision of the standards and regulations in question. The only purpose of the amendments is to make the text of certain sections of those standards and regulations conform to the format for incorporation by reference now required by the Office of the Federal Register. In this instance, providing notice of proposed rulemaking and opportunity for submission of comments would be a meaningless gesture.

Similarly, the APA requires at 5 U.S.C. 553 that a "substantive rule" must be published at least 30 days before its effective date, unless the agency finds otherwise, for good cause and publishes that finding with the final rule.

As stated above, the amendments published below do not alter or affect any substantive provision of the standards and regulations which they modify; they change only the language used to incorporate various materials by reference into those standards and regulations. For this reason, the requirement of 5 U.S.C. 553 for publication of a final substantive rule, at least 30 days before its effective date is not applicable, and the amendments published below shall become effective immediately.

Accordingly, pursuant to section 9(h) and 30(a) and (b) of the Consumer Product Safety Act, 15 U.S.C. 2058(h), 2079(a) and (b), section 10(a) of the Federal Hazardous Substances Act, 15 U.S.C. 1269(a), and sections 4 and 5 of

the Flammable Fabrics Act, 15 U.S.C. 1193 and 1194, the Commission amends Title 16, Chapter II, Parts 1201, 1402, 1505, 1615, 1616, and 1632 of the Code of Federal Regulations, as follows:

PART 1201—SAFETY STANDARD FOR ARCHITECTURAL GLAZING MATERIALS

1. In § 1201.4, paragraphs (b)(3)(ii), (d)(2)(iii), and (e)(1)(iii) are revised to read as follows:

§ 1201.4 Test procedures.

* * * * *

(b) *Test equipment.* * * *

(3) * * *

(ii) *Simulated weathering test.* The equipment shall be a xenon arc (water-cooled) Weather-Ometer employing a lamp rated at 6500 watts and automatic light monitoring and control systems. Borosilicate inner and outer filters shall be used. An appropriate water spray cycle shall be used. Operating procedures shall be in accordance with ASTM G 26–70, "Standard Recommended Practice for Operating Light—and Water-Exposure Apparatus (Xenon-Arc Type) for Exposure of Nonmetallic Materials," April 13, 1970, as augmented for plastics by ASTM D 2565–70, "Standard Recommended Practice for Operating Xenon-Arc Type (Water-Cooled) Light- and Water-Exposure Apparatus for Exposure of Plastics," Procedure B, June 12, 1970, which are incorporated by reference. Copies of both documents are available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. They are also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register.

* * * * *

(d) *Test procedures.* * * *

(2) *Environmental durability test procedures* * * *

(iii) *Indoor aging test.* The specimens shall be hung in the test chamber for 10 complete cycles (480 hours). The procedure shall be in accordance with procedure A of ASTM D 756–56, "Test for Resistance of Plastics to Accelerated Service Conditioning," September 10, 1956. (Reapproved 1971), which is incorporated by reference, except that during the humid phase of the cycle the relative humidity shall be maintained at 95 percent. Copies of ASTM D 756–56 are available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. This test method is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register.

* * * * *

(e) *Interpretation of results*—(1) *Impact test.* * * *

(iii) The specimen has:

(A) A modulus of elasticity less than 750,000 psi (5,170 megapascal) when measured by ASTM D 790–71, "Standard Method of Test for Flexural Properties of Plastics," October 29, 1971, which is incorporated by reference, and

(B) A Rockwell hardness (M or R scale) less than 140 when measured by ASTM D 785–65 (Reapproved 1979), "Standard Method of Test for Rockwell Hardness of Plastics and Electrical Insulating Materials," August 31, 1965, which is incorporated by reference. Copies of both documents are available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. They are also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which was approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register.

* * * * *

2. In § 1201.7, paragraph (b)(1) is revised to read as follows:

§ 1201.7 Effective date.

* * * * *

(b) Architectural glazing materials manufactured before July 6, 1977 may be incorporated into architectural products listed in § 1201.1(a) through July 5, 1978 if:

(1) The architectural glazing material conforms to ANSI Standard Z97.1–1972 or 1975, "Performance Specifications and Methods of Test for Safety Glazing Material Used in Buildings," 1972 or 1975*, which is incorporated by reference, and

* * * * *

PART 1402—CB BASE STATION ANTENNAS, TV ANTENNAS, AND SUPPORTING STRUCTURES

3. In § 1402.4, paragraph (a)(1)(i)(E) is revised to read as follows:

§ 1402.4 Requirements to provide performance and technical data by labeling and instructions.

(a) *Notice to purchasers.* * * *

(1) *Antennas.* * * *

(i) *Label.* * * *

(E)(*1*) The colors in figure 1 shall conform to ANSI Standard Z53.1–1971, "Safety Color Code for Marking Physical Hazards," published in 1971 by the American National Standards Institute, which is incorporated by reference. Copies of this document are available from the American National Standards Institute, 1430 Broadway, New York, New York 10018. This standard is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register. Alternatively, the colors "red" and "yellow" in figure 1 may conform to Color Tolerance Charts, published by the Department of Transportation. Copies of the Color Tolerance Charts are available from the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590. These materials are also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408.

(*2*) Color limit values shall be determined by ASTM D 1535–68, "Specifying Color by the Munsell System," published in 1968 by the American Society for Testing and Materials. Copies of ASTM D 1535–68 are available from the American Society for Testing and Materials, 1916 Race

* Copies of ANSI Standard Z97.1–1972 or 1975 are available from the American National Standards Institute, 1430 Broadway, New York, New York 10018. They are also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the editions which have been approved by the Director of the Federal Register and which have been filed with the Office of the Federal Register.

Street, Philadelphia, Pennsylvania 19103. These materials are also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register. Alternatively, color limit values for red or yellow may be determined by the Department of Transportation Color Tolerance Charts, which display the desired color within the tolerance limits.

* * * * *

PART 1505—REQUIREMENTS FOR ELECTRICALLY OPERATED TOYS OR OTHER ELECTRICALLY OPERATED ARTICLES INTENDED FOR USE BY CHILDREN

4. In § 1505.5, paragraphs (e)(5) and (h)(2) are revised to read as follows:

§ 1505.5 Electrical design and construction.

* * * * *

(e) *Power supply connections (cords and plugs).* * * *

(5) A flexible electrical power cord provided on a toy shall be type SP–2 (as defined in the "National Electrical Code," Chapter 4, article 400, pages 230–241 (1978)[1], or its equivalent, or a heavier general-use type, and shall be not less than 5 feet nor more than 10 feet in length when measured as the overall length of the attached cord outside the enclosure of the toy, including fittings, up to the face of the attachment-plug cap. However, hand-held educational or hobby-type products intended for heating such as woodburning tools, shall use one of the type cords designated below, in accordance with the weight of the product without the cord:

Weight of appliance (without cord) and cord type

½ lb. (0.227 kg) and lighter: SP–1, SPT–1, HPD. Heavier than ½ lb. (0.227 kg): SP–2, SPT–2, SV, SVO, SVT, SVTO, HPD, HPN, SJ, SJO, SJT, SJTO.

* * * * *

(h) *Strain relief.* * * *

(2) If suitable auxiliary insulation is provided under a clamp for mechanical protection, clamps of any material are acceptable for use on Type SP–2 (as defined in the "National Electrical Code," chapter 4, article 400, pages 184–194 (1971)[2]) or equivalent rubber-insulated cord. For heavier types of thermoplastic-insulated cord, clamps may be without auxiliary insulation unless the clamp may damage the cord insulation.

5. In § 1505.6, paragraphs (e)(3)(iv) and (g)(5)(i) are revised to read as follows:

§ 1505.6 Performance.

* * * * *

(e) *Electrical.* * * *

(3) *Leakage current and repeated dielectrical withstand tests.* * * *

(iv) With the connections intended for the source of supply connected thereto and then connected to the ungrounded side of a power supply circuit having a voltage equal to 110 percent of the rated voltage of the toy, the leakage current through a noninductive 1,500-ohm resistor connected between the gounded side of the supply circuit and each dead metal part (accessible and inaccessible) shall, when stable, be measured in accordance with the test provisions established in ANSI Standard C 101.1–1971, "American National Standard for Leakage Current for Appliances," approved November 17, 1970, which is incorporated by reference. Copies of this document are available from American National Standards Institute, 1430 Broadway, New York, New York 10018. This document is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register.

* * * * *

(g) *Thermal.* * * *

(5) *Temperature measurements.*

(i) *General.* Temperatures shall be measured by means of instruments utilizing thermocouples of No. 30 AWG (American Wire Gage) wire (either copper and constantan or iron and constantan) and potentiometer-type instruments that are accurate and are calibrated in accordance with current good laboratory practices. The thermocouple wire shall conform with the requirements for "special" thermocouples as listed in the table of limits of error of thermocouples (Table VIII) in ANSI Standard C 96.1–1964, "American Standard for Temperature Measurement Thermocouples," approved June 9, 1964, which is incorporated by reference. Copies of this document are available from American National Standards Institute, 1430 Broadway, New York, New York 10018. This standard is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C., 20408. This incorporation by reference was approved by the Director of the Office of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register.

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PART 1615—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES THROUGH 6X (FF 3–71)

6. In § 1615.4, paragraph (g)(4)(i) is revised to read as follows:

§ 1615.4 Test procedure.

(g) *Testing.* * * *

(4) *Laundering.*

(i) The procedures described under paragraphs (b) through (g) of this section shall be carried out on finished items (as produced or after one washing and drying) and after they have been washed and dried 50 times according to AATCC Test Method 124–1969, "Appearance of Durable Press Fabrics After Repeated Home Laundering," Technical Manual of the American Association of Textile Chemists and Colorists, vol. 46, 1970, which is incorporated by reference. Copies of this

[1] NFPA No. 70–1978, 1978 edition of National Electrical Code, Article 400, "Flexible Cords and Cables," pages 70–230 through 70–240, published by the National Fire Protection Association, which is incorporated by reference. Copies of this document are available from the National Fire Protection Administration, 60 Batterymarch Park, Quincy, Massachusetts 02269. This document is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register.

[2] NFPA No. 70–1971, 1971 edition of National Electrical Code, Article 400, "Flexible Cords and Cables," pages 70–184 through 70–194, published by the National Fire Protection Association, which is incorporated by reference. Copies of this document are available from the National Fire Protection Association, 60 Batterymarch Park, Quincy, Massachusetts 02269. This document is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register.

document are available from the American Association of Textile Chemists and Colorists, P.O. Box 12215, Research Triangle Park, North Carolina 27709. This document is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register. Items which do not withstand 50 launderings shall be tested at the end of their useful service life.

* * * * *

PART 1616—STANDARDS FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 7 THROUGH 14 (FF 5-74)

7. In § 1616.5, paragraph (c)(4)(i) is revised to read as follows:

§ 1616.5 Test procedure.

* * * * *

(c) *Testing.* * * *

(4) *Laundering.*—(i) The Procedures described under § 1616.4 *Sampling and acceptance procedures,* § 1616.5(b) *Conditioning and mounting of specimens,* and (c) *Testing,* shall be carried out on finished items (as produced or after one washing and drying) and after they have been washed and dried 50 times according to the laundering procedures in AATCC Test Method 124-69, "Appearance of Durable Press Fabrics After Repeated Home Laundering," Technical Manual of the American Association of Textile Chemists and Colorists, vol. 46, 1970, which is incorporated by reference. Copies of this document are available from the American Association of Textile Chemists and Colorists, Post Office Box 12215, Research Triangle Park, North Carolina 27709. This document is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Office of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register. Items which do not withstand 50 launderings may be tested at the end of their useful service life with prior approval of the Consumer Product Safety Commission.

PART 1632—STANDARD FOR THE FLAMMABILITY OF MATTRESSES (AND MATTRESS PADS) (FF 4-72)

8. In § 1632.5, paragraph (b)(1) is revised to read as follows:

§ 1632.5 Mattress pads.

* * * * *

(b) *Laundering.* (1) Mattress pads which have had a chemical fire retardant treatment or contain any chemically fire retardant treatment components, shall be tested in accordance with § 1632.4 *Test procedure* in the condition in which they are intended to be sold, and after they have been washed and dried 10 times in accordance with washing procedure 6.2 (III), with a water temperature of 60° ±2.8° C (140° ±5° F), and drying procedure 6.3.2.(b), prescribed in AATC Test Method 12469, "Appearance of Durable Press Fabrics After Repeated Home Laundering," Technical Manual of the American Association of Textile Chemists and Colorists, vol. 46, 1970, which is incorporated by reference. Copies of this document are available from the American Association of Textile Chemists and Colorists, Post Office Box 12215, Research Triangle Park, North Carolina 27709. This document is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the edition which has been approved by the Director of the Federal Register and which has been filed with the Office of the Federal Register. Maximum load shall be 3.46 kg (8 lb) and may consist of any combination of test items and dummy pieces. Alternatively, a different number of times under another washing and drying procedure may be specified and used, if that procedure has previously been found to be equivalent by the Consumer Product Safety Commission.

* * * * *

(Secs. 9(h), 30(a) and (b), Pub. L. 92-573, as amended Pub. L. 97-35, (15 U.S.C. 2056(h), 2079(a) and (b)); sec. 10(a), Pub. L. 88-613, as amended Pub. L. 89-756, Pub. L. 91-113, 15 U.S.C. 1269(a); secs. 4 and 5, Pub. L. 83-88, as amended, Pub. L. 90-189, Pub. L. 94-284, Pub. L. 95-631, (15 U.S.C. 1193, 1194))

Dated: December 24, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-37251 Filed 12-30-81; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB-42]

Staff Accounting Bulletin No. 42; Business Combinations

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff accounting bulletin.

SUMMARY: The interpretations in this Staff Accounting Bulletin express the staff's views concerning the application of existing financial accounting standards to business combinations accounted for by the purchase method involving financial institutions, including the allocation of purchase price to tangible and intangible assets acquired and amortization periods for intangible assets.

EFFECTIVE DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marc D. Oken, Office of the Chief Accountant, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549, (202—272-2131).

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

December 23, 1981.

George A. Fitzsimmons,

Secretary.

Staff Accounting Bulletin No. 42

The staff hereby adds new topic, 2-A-3, setting forth the staff's views on questions pertaining to the application of existing accounting standards to business combinations accounted for by the purchase method involving financial institutions.

Topic 2: Business Combinations

A. Purchase Method

* * * * *

3. Acquisitions Involving Financial Institutions

Facts

When financial institutions are acquired in periods of high interest rates, the use of the purchase method of accounting may result in significant

effects on the reported results of operations of the combined companies. In such periods, a substantial discount is applied to the historical cost of any low-yielding mortgage loans and investments to determine their fair value at the acquisition date. The amount paid by the acquiring entity can be significantly higher than the amounts allocated to the identifiable assets acquired. Therefore, the amount of the purchase price in excess of the fair value of the tangible and identifiable intangible assets acquired which is allocated to purchased goodwill is often very significant. The discount on the loans and investments is accreted to income using the interest method to report a market yield on the acquired assets over a relatively short period based on the estimated life of the loans and investments. Goodwill has been amortized over as many as 40 years on a straight-line basis. The accretion of the discount to income over a short period, which is partially offset by the amortization on a straight-line method over longer periods of the purchase price amounts allocated to goodwill, often results in substantial positive effects on the reported results of operations in the first few years subsequent to the acquisition. The effect on the reported results of operations of such business combinations varies depending on the amount of discount applied to the loan and investment portfolios to record them at their fair values, the purchase price allocated to tangible and identifiable intangible assets and to goodwill, and the related accretion and amortization periods and methods selected. In certain filings with the Commission involving banks and savings and loan institutions where this effect has been significant, the staff has questioned whether the financial statements and pro forma results of operations properly reflected the economics of the purchase transaction.

Question 1

Are there any unique considerations in the allocation of purchase price to acquired tangible and intangible assets in the acquisition of financial institutions?

Interpretive Response

The staff believes that adequate guidance is provided by Accounting Principles Board ("APB") Opinion No. 16, "Accounting for Business Combinations," APB Opinion No. 17, "Accounting for Intangible Assets," and by Financial Accounting Standards Board ("FASB") Interpretation No. 9, "Applying APB Opinions No. 16 and 17 When a Savings and Loan Association or a Similar Institution is Acquired in a Business Combination Accounted for by the Purchase Method." [1] These accounting standards generally require that all tangible and identifiable intangible assets acquired be recorded on the basis of their fair values at the acquisition date. The cost of unidentifiable intangible assets purchased (goodwill) is measured by the total cost of the purchase less the sum of the amounts assigned to the fair value of identifiable tangible and intangible assets and less the fair value of deposits and other liabilities assumed. In practice, however, some of the principles in these standards may be difficult to apply to acquisitions of financial institutions.

Determination of the fair value of loans and other investments acquired in a business combination involving financial institutions may not be difficult since these values are computed based on a comparison of the historical interest yields of the acquired portfolios and market yields for comparable loans and investments. However, the staff's experience has been that the applicable accounting standards have not always been properly considered. Many factors may need to be evaluated in the selection of an interest rate which properly reflects a comparable market yield. The discount applied to loans and investments to attain a market yield should be accreted using the interest method. The accretion period for the loan discount should be the remaining contractual term to maturity of the portfolio adjusted for anticipated prepayments. Recent trends which indicate slower turnovers of mortgaged residential properties should be considered when determining expected prepayments. The impact of any estimated future tax effects of differences between the tax bases and the amounts otherwise assignable to any assets acquired must be considered in estimating their fair value (paragraph 89 of APB Opinion No. 16).

Determination of the values of identifiable intangible assets purchased is often considered impracticable because they are not easily quantified. As a result, the methods of applying this aspect of the standards have varied considerably in financial statements included in registrant filings. A discussion of purchased identifiable intangible assets is contained in paragraph 8 of FASB Interpretation No. 9:

> The purchase price paid for a savings and loan association may include an amount for one or more factors, such as the following:
> (a) Capacity of existing savings accounts and loan accounts to generate future income,
> (b) Capacity of existing savings accounts and loan accounts to generate additional business or new business, and
> (c) Nature of territory served.

Application of the guidance provided in FASB Interpretation No. 9 could result in values assigned to various identifiable intangible assets in commercial bank or savings and loan association acquisitions, including:

- Mortgage escrow deposits.
- Branch networks.
- Mortgage servicing rights.
- Customer base.
- Deposit relationships.
- Name in the marketplace.
- Earning capacity.

The values inherent in some of these identifiable intangibles overlap. Determination of the specific intangibles purchased, as well as the fair values thereof, has to be made based on the individual facts and circumstances. The staff recognizes that this process is often difficult and that little practical guidance exists to facilitate such valuations. However, when the purchase price is not properly allocated to all intangibles, there may be a significant effect on the reported results of operations of the consolidated entity because the amount assigned to goodwill, which has usually been amortized over long periods, could be overstated. Although the practice of allocating costs to values associated with the earnings potential of acquired deposits has gained increased acceptance, the staff believes that the allocation of purchase price to all identifiable intangible assets acquired has often not received adequate consideration in business combinations involving financial institutions.

Question 2

What is the appropriate measure of the fair value of deposit liabilities assumed in the purchase of financial institutions?

Interpretative Response

The staff believes that the standards set forth in paragraph 7 of FASB Interpretation No. 9 for valuing the deposits of a savings and loan association are appropriate for other financial institutions. The fair value of such liabilities is the present value of the amounts to be paid using prevailing interest rates for similar deposits at the

[1] Footnote 1 to FASB Interpretation No. 9 states that the Interpretation is applicable to financial institutions other than savings and loan associations which have similar types of assets and liabilities.

acquisition date. For example, the values assigned to passbook savings accounts paying interest at the maximum allowable rate would be the historical cost of the savings deposits to the acquired association plus any accrued interest. Noninterest bearing demand deposits of an acquired commercial bank would be recorded at their carrying amount. Acquired time deposits with interest rates less than the prevailing interest rate for similar time deposits would be recorded at a discount to their carrying value on an individual or on some aggregate basis and the discount would be amortized to report the prevailing interest rate on the acquired deposits. Any discount on deposits should be amortized using the interest method.

Consideration should be given to adjusting the fair value of deposits for the estimated future tax effects of differences in the tax bases and amounts otherwise assignable to the deposits, as specified in paragraph 89 of APB Opinion No. 16.

As discussed in Question 1 above, any purchased identifiable intangible assets associated with the deposits of the acquired institution should be recorded at their estimated fair values at acquisition.

Question 3

What are the appropriate amortization periods and methods for intangible assets acquired in the acquisition of financial institutions?

Interpretive Response

APB Opinion No. 17 and FASB Interpretation No. 9 provide appropriate guidance on this matter. The amortization period should be determined separately for each identifiable intangible asset acquired and for goodwill. The amortization period for identifiable intangibles may be readily determinable. However, determination of the appropriate amortization period for goodwill is more difficult and should be carefully evaluated.

The lives of identifiable intangible assets are often closely related to other assets acquired or liabilities assumed. For example, an intangible asset whose fair value is the present value of expected earnings from mortgage escrow deposits should be amortized over the estimated life of the related mortgage investments; an amortization method should be used which reflects the decreasing escrow levels resulting from expected payoffs of the mortgage loans. An intangible asset whose fair value is the present value of expected net interest margins to be earned from other purchased deposits normally should be amortized on an accelerated basis over a period which reflects the pattern of the expected runoff of the related deposits.

When identifiable intangible assets have been purchased in the acquisition of a financial institution, but their fair values are not determinable, these costs should be assigned to goodwill. Paragraph 30 of APB Opinion No. 17 requires that goodwill be amortized on a straight line basis unless it is demonstrated that an accelerated method is more appropriate. Paragraph 9 of FASB Interpretation No. 9 indicates that an accelerated method of amortization would be appropriate and may be used for goodwill when the amount assigned to goodwill includes costs for identifiable intangibles whose fair values are not determinable and the benefits expected to be received from these intangibles decline over the expected life of the factors which are the basis for those intangibles. The staff believes that such circumstances demonstrate that an accelerated method of amortization for goodwill is more appropriate than a straight line method and should be used.

Paragraph 27 of APB Opinion 17 provides factors which should be considered in estimating the useful lives of intangible assets. There are many relevant matters which should be evaluated when applying these guidelines to determine the appropriate amortization period for goodwill. Regulated depository institutions, for example, are experiencing erosions of their traditional markets because of inroads made by unregulated financial segments. Competitive pressures, the potential effects of deregulatory initiatives, and rapid technology changes in the industry create an uncertain environment which must be considered when determining the period in which goodwill benefits will exist. This uncertainty may be greater for savings and loan associations and savings banks since high interest rates have adversely affected their financial positions due to the funding costs of their fixed-rate loan portfolios.

The staff believes that the automatic selection of a 40-year amortization period for goodwill purchased in a financial institution acquisition is not appropriate. The uncertainty which results from the economic, competitive and organizational changes facing these institutions suggests that it is usually not realistic to conclude that purchased goodwill benefits have indefinite lives. In some of the financial institution filings which the staff has reviewed, the staff concluded, based on the facts and circumstances, that short amortization periods were appropriate with respect to the business combinations reflected in the filings. The allocation to goodwill of significant amounts of the purchase price, where appeared to be the result of a failure to properly identify and quantify all intangible assets purchased, was often a factor which influenced these decisions. The staff recognizes that under certain circumstances, goodwill benefits may exist beyond a short-term period. For example, in a recent discussion with a savings and loan registrant, the staff agreed that an entrance into major new market areas resulting from an acquisition provided a basis for concluding that the purchased goodwill benefits could exist beyond a short-term period. In reaching this decision, the staff was influenced by the fact that the expected financial results appeared to adequately reflect the economic realities of the transaction.

[FR Doc. 81-37247 Filed 12-30-81; 8:45 am]

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17 CFR Part 240

[Release Nos. 33-6370; 34-18368]

Quarterly Reporting Requirements For Smaller Life Insurance Companies Whose Shares Are Not Actively Traded

AGENCY: Securities and Exchange Commission.

ACTION: Rule amendments.

SUMMARY: The Commission is further deferring, until 1983, the effective date of the quarterly reporting requirements for smaller life insurance companies whose shares are not actively traded. Such additional delay is necessary to allow sufficient time for the Commission to consider public comment on a proposed system of classifying small issuers for purposes of modifying certain reporting requirements under the Securities Exchange Act of 1934 and, if adopted, to implement such a classification system.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mark R. Beatty, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202) 272-2644.

SUPPLEMENTARY INFORMATION: On December 22, 1980, the Commission announced that it was deferring until 1982 quarterly financial reporting, on Form 10-Q (17 CFR 249.308a), for smaller life insurance companies whose

shares are not actively traded.[1] The Commission noted that it had published an advance notice of proposed rulemaking regarding the classification of small issuers for purposes of reducing their reporting and other obligations under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq.),[2] which might have a direct impact on smaller life insurance companies whose shares are not actively traded.

On October 20, 1981, the Commission published for public comment a proposed system of classification of smaller issuers that would, in effect, provide an exemption from the registration and reporting requirements of the Exchange Act for certain Smaller Issuers.[3] The Commission is reviewing the public comments submitted thereon and anticipates final action on the proposal in the second quarter of calendar year 1982. In order that smaller life insurance companies who may be exempt under a classification system, if adopted, not be required to file Form 10–Q reports for a short interim period, and to provide sufficient lead time for any smaller life insurance companies who may not continue to be exempt under a classification system, the Commission is deferring the effective date of the Form 10–Q reporting requirements until 1983 for life insurance companies whose securities are not actively traded. The Commission does not anticipate that any further deferral will be necessary.

For the reasons stated above and pursuant to the Administrative Procedure Act (5 U.S.C. 551 et seq.), the Commission finds for good cause that notice and public procedure on these rule amendments are impracticable, unnecessary and contrary to the public interest and that there is good cause for making these amendments effective immediately.

[1] Securities Exchange Act Release No. 17397 (December 22, 1980) (45 FR 86422). The requirement to file Form 10–Q reports was imposed on life insurance companies and holding companies having only life insurance subsidiaries in Securities Exchange Act Release No. 12815 (September 20, 1976) (41 FR 42645) but was deferred for life insurance companies with inactively traded securities. The Commission again deferred the requirement for such companies to allow it to consider the Commission's Advisory Committee Report on Corporate Disclosure and testimony taken at the Commission's Small Business Hearings. *See* Securities Exchange Act Release No. 14003 (September 28, 1977) (42 FR 54531); Securities Exchange Act Release No. 15445 (December 28, 1978) (44 FR 1727); and Securities Exchange Act Release No. 16436 (December 19, 1979) (44 FR 76777).

[2] Securities Exchange Act Release No. 16886 (June 2, 1980) (44 FR 40145).

[3] Securities Exchange Act Release No. 18169 (October 20, 1981) (46 FR 52382).

Text of Amendments

The Commission hereby amends paragraphs (c)(1) of §§ 240.13a–13 and 15d–13 of 17 CFR Part 240 to defer the effective date specified therein as given below.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Section 240.13a–13 is amended by revising (c)(1) as follows:

§ 240.13a–13 Quarterly reports on Form 10–Q (§ 249.308a of this chapter).

* * * * *

(c) * * *

(1) Life insurance companies and holding companies having only life insurance subsidiaries for quarters in fiscal years ending on or before December 20, 1983, if they do not meet the test specified in item 12, paragraph (a)(1)(i), of § 229.20; or

* * * * *

Section 240.15d–13 is amended by revising (c)(1) as follows:

§ 240.15d–13 Quarterly reports on Form 10–Q (§ 249.308a of this chapter).

* * * * *

(c) * * *

(1) Life insurance companies and holding companies having only life insurance subsidiaries for quarters in fiscal years ending on or before December 20, 1983, if they do not meet the test specified in item 12, paragraph (a)(1)(i), of § 229.20; or

* * * * *

Authority: These amendments are adopted pursuant to authority in Sections 12, 13, 15(d) and 23(a) (15 U.S.C. 781, 78m, 78o(d) and 78w(a)) of the Securities Exchange Act of 1934.

By the Commission.

December 22, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81–37269 Filed 12–30–81; 8:45 am]

BILLING CODE 8010–01–M

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17 CFR Part 260

[Release Nos. 33–6372; 39–683]

Adoption of Final Rules Under the Trust Indenture Act of 1939

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of final rules.

SUMMARY: The Commission is adopting, after an interim period, final rules under Sections 304(a)(8) and 304(a)(9) of the Trust Indenture Act of 1939 to establish ceiling limitations on the amount of debt securities that can be totally or partially exempt from the Act at $2,000,000 and $5,000,000 respectively. The rules were adopted on an interim basis in October 1980 in response to legislative amendments of the Trust Indenture Act of 1939.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mark Beatty or Paul A. Belvin (202/272–2644), Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549

SUPPLEMENTARY INFORMATION: On October 23, 1980, the Commission announced the adoption of interim rules effective until December 31, 1981, under Sections 304(a)(8) and 304(a)(9) of the Trust Indenture Act of 1939 (the "Trust Indenture Act") (15 U.S.C. 77ddd et seq.) to establish ceiling limitations at $2,000,000 and $5,000,000 respectively.[1] Sections 304(a)(8) and 304(a)(9) are the small offering exemptions under the Trust Indenture Act.

The interim rules were adopted in reponse to certain legislative amendments the substance of which was submitted to Congress by the Commission. The Commission solicited public comments on whether, and in what form, the interim rules should be adopted as final rules. No comment letters were received.

The Commission has determined to adopt the interim rules as final without modification for the reasons stated in the release adopting the rules on an interim basis.

Text of Rules

Part 260 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adopting without change as final §§ 260.4a–1 and 260.4a–2 which were added on an interim basis at 45 FR 71778, Oct. 30, 1980:

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

§ 260.4a–1 Exempted securities under section 304(a)(8).

The provisions of the Trust Indenture Act of 1939 shall not apply to any security which has been or is to be issued otherwise than under an indenture, but this exemption shall not be applied within a period of twelve consecutive months to more than

[1] Securties Act Release No. 6249; Trust Indenture Act Release No. 594 (October 23, 1980) (45 FR 71776).

$2,000,000 aggregate principal amount of any securities of the same issuer.

§ 260.4a-2 Exempted securities under section 304(a)(9).

The provisions of the Trust Indenture Act of 1939 shall not apply to any security which has been or is to be issued under an indenture which limits the aggregate principal amount of securities at any time outstanding thereunder to $5,000,000 or less, but this exemption shall not be applied within a period of thirty-six consecutive months to more than $5,000,000 aggregate principal amount of securities of the same issuer.

Authority: The Commission hereby adopts Rules 4a-1 and 4a-2 pursuant to Sections 304(a)(8) and 304(a)(9) of the Trust Indenture Act of 1939. (Sec. 302, Pub. L. 96-477; secs. 304 (a)(8), 304(a)(9), 53 Stat. 1153; (15 U.S.C. 77ddd(a)(8), 77ddd(a)(9))).

By the Commission.

Dated: December 23, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-37268 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R81-945]

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation—All Market Areas

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

ACTION: Interim rule: Notice of correct effective date.

SUMMARY: On November 25, 1981, (46 FR 57838) HUD adopted an interim rule amending the section 8 fair market rents applicable to new construction and substantial rehabilitation for all market areas with an effective date that is dependent on whether a waiver were granted on the deferred effective date requirement of Section 7(o)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)). In view of the urgency of this rule the Secretary sought waiver of the deferred effective date requirement in accordance with Section 7(o)(4) of the Act. The Effective Date section of the rule recited that the rule would become effective on December 28, 1981 if the waiver were granted. A waiver has been agreed to by the Chairmen and Ranking Minority Members of the Senate Committee on Banking, Housing and Urban Affairs and the House of Representatives Committee on Banking, Finance and Urban Affairs.

DATE: Accordingly, the correct effective date for the interim rule is December 28, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Lasner, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410, Telephone No. (202) 755-6207. (This is not a toll-free number.)

(Secs. 7(d) and 7(o)(4), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d) and (o)(4)).

Issued at Washington, D.C., December 29, 1981.

Richard Lasner,

Assistant General Counsel for Regulations.

[FR Doc. 81-37380 Filed 12-29-81; 2:18 pm]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 5c

[T.D. 7800]

Income Tax; Special Rules for Leases Concerning Qualified Mass Commuting Vehicles and New Reporting Requirements for All Safe Harbor Leases

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to the special rules for leases concerning qualified mass commuting vehicles under the Economic Recovery Tax Act of 1981. The regulations provide guidance to persons executing lease agreements concerning qualified mass commuting vehicles under section 168(f)(8) of the Internal Revenue Code of 1954. These regulations also contain a new reporting requirement applicable to all leases qualifying under section 168(f)(8).

DATE: The regulations apply with respect to safe harbor leases executed and certain mass commuting vehicles placed in service after December 31, 1980.

FOR FURTHER INFORMATION CONTACT: John A. Tolleris of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, D.C. 20224 (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the Temporary Income Tax Regulations under the Economic Recovery Tax Act of 1981 (26 CFR Part 5c) promulgated by Treasury Decision 7791 regarding special rules for leases under section 168(f)(8) of the Internal Revenue Code of 1954, which were published in the **Federal Register** for October 23, 1981 (46 FR 51907). This amendment expands upon those temporary regulations providing rules relating to certain mass commuting vehicles treated as qualified leased property and to a new filing requirement applicable to all safe harbor leases. This amendment will remain in effect until superseded by later final regulations with respect to section 168 concerning the accelerated cost recovery system.

Explanation

This amendment clarifies the special rules for leases with respect to certain mass commuting vehicles under section 168(f)(8)(D)(iii). It establishes certain requirements that must be met by the lessee (usually a State or local governmental unit which operates the local mass transit system) and the lessor in order that the lessor may, for Federal income tax purposes, lease mass commuting vehicles, such as buses and rapid rail cars, and take cost recovery deductions with respect to them.

The lessor is allowed no investment tax credit with respect to mass commuting vehicles. There is no requirement that such vehicles be leased under section 168(f)(8) within 3 months after being placed in service. In general, those portions of vehicles whose financing is allocable to grants from Federal agencies such as the Urban Mass Transportation Administration may not be leased under section 168(f)(8).

A notice of proposed rulemaking proposing a definition of "qualified mass commuting vehicles" under section 103(b)(9) is published in the Proposed Rules section of this issue of the **Federal Register**.

This amendment also contains a new reporting requirement applicable to all leases qualifying under section 168(f)(8) and executed after December 31, 1981. Basically, the new rule provides that the lessor and lessee are required to file jointly an information return setting

forth certain specified information concerning the leasing transaction within a 30-day period after the lease is executed or the election under section 168(f)(8) will be void. A copy of this information return is also required to be attached to the Federal income tax return of the lessor and lessee. For leases executed before January 1, 1982, only the lessor is required to file the information return postmarked by January 31, 1982. Unless the lessor's failure to file is shown to be due to reasonable cause, or unless the lessee files the return postmarked by January 31, 1982, the lessor's failure to timely file is a disqualifying event which may result in a recapture of the tax benefits to the lessor.

Inapplicability of Executive Order 12291

These regulations are not major legislative regulations for purposes of Executive Order 12291 because the economic effect of these regulations flows principally from the statutory provisions upon which these regulations are based.

Drafting Information

The principal author of these regulations is John A. Tolleris of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

Adoption of Amendments to the Regulations

Accordingly, the following amendments to 26 CFR Part 5c are adopted:

PART 5c—TEMPORARY INCOME TAX REGULATIONS UNDER THE ENERGY TAX ACT OF 1981

Paragraph 1. New §§ 5c.103–2 and 5c.103–3 are added. The new sections read as follows:

§ 5c.103–2 Leases and industrial development bonds.

For purposes of section 103(b)(2), the determination of whether an obligation constitutes an industrial development bond shall be made without regard to the characterization of the transaction as a lease under section 168(f)(8).

§ 5c.103–3 Leases and arbitrage.

In the case of a sale and leaseback transaction qualifying under section 168(f)(8), where the lessee's rental payments are substantially equal in timing and amount to the principal and interest payments on the lessor's note, the arbitrage provisions of section 103 (c) and §§ 1.103–13, 1.103–14, and 1.103–15 shall apply to any obligations of the lessee (or party related to the lessee) without regard to the section 168(f)(8) lease transaction.

Par. 2. Section 5c.168(f)(8)–2 is amended by revising paragraph (a)(3) to read as follows:

§ 5c.168(f)(8)–2 Election to characterize transaction as a section 168(f)(8) lease.

(a) *Election.* * * *

(3) *Information return concerning the election.* (i) Except as provided in subdivision (ii), for each lease agreement, the lessor and lessee must jointly file Form 6793, Safe Harbor Lease Information Return, concerning their election under section 168(f)(8). The information return must be signed by both the lessor and the lessee and filed not later than the 30th day after the agreement is executed with the Commissioner of Internal Revenue, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attn: Form 6793). Unless the failure to file timely is shown to be due to reasonable cause, the failure to file the information return timely shall void the section 168(f)(8) election as of the date of the execution of the lease agreement. The information return shall include the following items:

(A) The name, address, and taxpayer identifying number of the lessor and the lessee (and the common parent company if a consolidated return is filed);

(B) The service center with which the income tax returns of the lessor and lessee are filed;

(C) A description of each property with respect to which the election is made;

(D) The date on which the lessee places the property in service (determined as defined in § 5c.168(f)(8)–6(b)(2)(i)), the date on which the lease begins, and the term of the lease;

(E) The recovery property class of the leased property under section 168(c)(2) (for example, 5 years) and the ADR midpoint life of the leased property;

(F) The terms of the payments between the parties to the lease transaction;

(G) Whether the ACRS deductions and the investment tax credit are allowable to the same taxpayer;

(H) The aggregate amount paid to outside parties to arrange or carry out the transaction, such as, for example, legal and investment banking fees;

(I) For the lessor only: The unadjusted basis of the property as defined in section 168(d)(1);

(J) For the lessor only: If the lessor is a partnership or a grantor trust, the name, address, and taxpayer identifying number of the partners or the beneficiaries, and the Service Center with which the income tax return of each partner or beneficiary is filed; and

(K) Such other information as may be required by the return or its instructions.

The aggregate amount paid to outside parties which is described in paragraph (a)(3)(i)(H) of this section need not be disclosed unless it is reasonable to estimate that either the lessor or the lessee will lease property under section 168(f)(8) for the calendar year which has an aggregate adjusted basis to such person of more than $1,000,000. If either the lessor or the lessee reasonably expects to lease property with an aggregate basis of more than $1,000,000, then both parties must disclose their transaction costs.

(ii) In the case of an agreement executed before January 1, 1982, only the lessor is required to file the information return described in paragraph (a)(3)(i) of this section and the return must be postmarked not later than January 31, 1982. Unless the failure to file timely is shown to be due to reasonable cause, or unless the lessee files the information return postmarked by January 31, 1982, the lessor's failure to file the information return timely shall be a disqualifying event as of February 1, 1982, which shall cause an agreement to cease to be treated as a lease under section 168(f)(8). For the Federal income tax consequences of a disqualifying event, see § 5c.168(f)(8)–8.

(iii) A copy of the information return described in paragraph (a)(3) (i) and (ii) shall be filed by each party with its timely filed Federal income tax return for its taxable year during which the lease term begins. However, for taxable years ending in 1981 with respect to lease agreements executed during calendar year 1981, such statement shall be filed by the later of (A) the due date (taking extensions into account) of the party's 1981 Federal income tax return, or (B) where the filing of an amended return is required, with the amended return within 3 months following the execution of the lease agreement. For the requirement to file an amended return within 3 months and the consequences of the failure to so file, see § 5c.168(f)(8)–6(b)(2)(ii). A taxpayer that is required to file the information return with its Federal income tax return before an information return form is available shall file, in lieu of the required information return, a statement which contains the information set forth in subparagraphs (A) through (J) of

pargraph (a)(3)(i). The failure by the lessor to file the information return (or, if applicable, the statement referred to in the preceding sentence) with its timely filed Federal income tax return shall be a disqualifying event which shall cause an agreement to cease to be treated as a lease under section 168(f)(8). For the Federal income tax consequences of a disqualifying event, see § 5c.168(f)(8)–8.

* * * * *

Par. 3. Section 5c.168(f)(8)–6 is amended by revising paragraphs (a)(2)(ii) and (b)(3) to read as follows:

§ 5c.168(f)(8)–6 Qualified leased property.

(a) *Basic rules.* * * *

(2) *Sale and leaseback arrangement.* * * *

(ii) For purposes of this paragraph (a)(2) and paragraph (b)(3)(ii) of this section, transactional costs with respect to a sale and leaseback arrangement that are not currently deductible shall be allocated to the lease agreement (and not included in the lessor's adjusted basis with respect to the property) and amortized over the term of the lease. These costs include legal and investment banking fees and printing costs.

* * * * *

(b) *Special rules.* * * *

(3) *Qualified mass commuting vehicle.* (i) A qualified mass commuting vehicle as defined in section 103(b)(9) will constitute qualified leased property for purposes of section 168(f)(8)(D)(iii) and this section provided all of the following requirements are met:

(A) At least part (as, for example, 5 percent) of the financing for the purchase of such vehicle must be derived from proceeds of obligations the interest on which is excludable from income under section 103(a)(1) (whether or not such obligations are described in section 103(b)(4)(I));

(B) The vehicle must be recovery property (*i.e.*, it must have been first placed in service by the lessee after December 31, 1980); and

(C) the vehicle must not have been previously leased under a section 168(f)(8) lease by the lessee.

A qualified mass commuting vehicle that is qualified leased property may be leased under section 168(f)(8) at any time after December 31, 1980. The requirement of paragraph (b)(3)(i)(A) of this section may be satisfied where the vehicles leased under a section 168(f)(8) lease are refinanced with proceeds of an obligation the interest on which is excludable from income under section 103(a)(1).

(ii) Where the leased property is purchased, directly or indirectly, by the lessor from the lessee (or a party related to the lessee), the property will not qualify under this subsection unless the lessor's adjusted basis in the property does not exceed the adjusted basis of the lessee (or related party) at the time of the execution of the lease. The adjusted basis of property to a lessee (or related party) shall be determined under part II of subchapter O of chapter 1 of the Code for purposes of determining gain, except that the adjustment described in section 1016(a)(3) and § 1.1016–4 need not be made for property acquired during calendar year 1981 and leased no later than March 1, 1982.

(iii) In a transaction characterized as a lease under section 168(f)(8), the lessor's adjusted basis may not include that portion, if any, of the cost of the vehicle to the lessee (or related party) that is financed, directly or indirectly, with an Urban Mass Transportation Administration (UMTA) grant (excluding a grant under the interstate transfer provision of the Federal-Aid Highway Act (FAHA)), a FAHA grant, or any other Federal grant. Where a vehicle is included as part of an UMTA-funded project, 80 percent of the vehicle's cost will be deemed to be financed with an UMTA grant and 20 percent will be deemed to be financed from non-Federal sources without regard to whether the UMTA funds or the non-Federal funds are traceable to any particular vehicle included within the project. For purposes of this subparagraph and paragraph (b)(3)(ii) of this section, amounts originating from non-Federal sources which are paid or incurred with respect to leased property by a State or political subdivision of the State (or political subdivision created by the joint authorization of two or more States) shall be taken into account in computing the lessee's adjusted basis in the leased property as if the lessee had paid or incurred such amounts.

(iv) If a vehicle is purchased pending approval of an UMTA grant, the lessor's unadjusted basis in the vehicle may equal the lessee's unadjusted basis unreduced by any subsequently approved UMTA grant; however, if an UMTA grant is later approved and the vehicle is included as part of an UMTA-funded project, except as provided hereinafter in this subparagraph, the lease shall terminate with respect to an undivided 80 percent interest in the vehicle. For the Federal income tax consequences of the termination of a lease, see § 5c.168(f)(8)–8. If such a subsequently approved UMTA grant is used to purchase additional qualified mass commuting vehicles, the portion of each vehicle deemed to be allocable to non-UMTA financing (*i.e.*, 20 percent) may be leased under section 168(f)(8). If a vehicle is purchased pending approval of an UMTA grant and leased under section 168(f)(8), the lease will not be deemed to have terminated with respect to 80 percent of the vehicle when the UMTA grant is later approved if the total interest leased before the grant is approved did not exceed 20 percent of the lessee's adjusted basis in the vehicle (unadjusted basis prior to March 1, 1982) unreduced by any subsequently approved UMTA grant. For purposes of this subparagraph and paragraph (b)(3)(iii) of this section, the allocation principles applicable to UMTA grants shall apply in the case of FAHA grants except that 85 percent and 15 percent shall be substituted for 80 percent and 20 percent, respectively. Similar allocation rules shall also apply to other Federal grants used to finance the acquisition of qualified mass commuting vehicles.

(v)(A) Notwithstanding the provisions of § 5c.168(f)(8)–2(a)(3)(iii), the lessee in a transaction to which this paragraph (b)(3) applies is not required to file an information return or a statement concerning its election under section 168(f)(8).

(B) Notwithstanding the provisions of § 5c.168(f)(8)–2(a)(5), if the transfer of a qualified mass commuting vehicle is not otherwise a disqualifying event, the transferee is not required to file the statement mentioned therein.

(C) The fact that a qualified mass commuting vehicle is not section 38 property because it is used by an exempt entity will not disqualify the lease under § 5c.168(f)(8)–8(b)(4); however, a disqualifying event will occur, and the agreement will cease to be characterized as a lease under section 168(f)(8), with respect to a vehicle which (*1*) ceases to be a qualified mass commuting vehicle or (*2*) would cease to be section 38 property if used by a taxable entity as, for example, a vehicle used predominantly outside the United States. For the Federal income tax consequences of a disqualifying event, see § 5c.168(f)(8)–8.

(vi) The lessor of a qualified vehicle will not be allowed an investment tax credit with respect to it under section 38.

(vii) The application of this paragraph (b)(3) may be illustrated by the following examples:

Example (1). On July 1, 1981, a unit of city X, X Transit Authority (XTA), purchases 100 buses after receiving an UMTA grant for 80 percent of their purchase price. Fifteen percent of the purchase price is financed with a combination of State and local

governmental grants and 5 percent is financed with proceeds from an issue of tax-exempt obligations described in section 103(b)(4)(I). Because UMTA financed an 80 percent interest in the 100 buses, XTA may lease under section 168(f)(8) only a 20 percent interest in each bus. If XTA were to lease 100 percent of 20 buses, only 20 percent of such buses would be deemed to be leased under a safe harbor lease.

Example (2). The facts are the same as in example (1) except that UMTA has not yet approved XTA's application in 1981. Pending the UMTA approval, XTA purchases and places in service 20 buses in July 1981. The 20 buses are financed with tax-exempt obligations described in section 103(b)(4)(I). On December 15, 1981, XTA sells a 100 percent interest in these 20 buses to Corporation M and leases them back under a lease in which the parties elect to have the provisions of section 168(f)(8) apply. M is a calendar-year taxpayer and claims an ACRS deduction with respect to the buses on its return for taxable year 1981. On July 1, 1982, UMTA approves XTA's grant application, thus enabling XTA to purchase an additional 80 buses. Because 80 percent of the original 20 buses are deemed to have been financed by UMTA beginning on July 1, 1982, the safe harbor lease terminates with respect to an undivided 80 percent interest in the 20 buses. If XTA would be considered the owner of the buses without regard to section 168(f)(8), the termination will result in a deemed sale of an undivided 80 percent interest in the 20 buses by M to XTA. The amount realized by M on the sale will include a proportionate part of the outstanding amount of M's debt plus the sum of any other consideration received by M. M will realize gain or loss, depending upon its basis, with applicable section 1245 recapture. However, XTA may lease the 20 percent interest in the 80 new buses it purchased in 1982 which is deemed to have been financed with non-Federal funds.

Example (3). The facts are the same as in example (2) except that the grant approved by UMTA is used to purchase and renovate a bus garage facility. Eighty percent of the original 20 buses are deemed to have been financed by UMTA beginning on July 1, 1982. The lease would still terminate with respect to an undivided 80 percent interest in the vehicles. XTA cannot lease the garage facility under 168(f)(8) because it does not constitute a qualified mass commuting vehicle.

Example (4). The facts are the same as in example (2) except that on December 15, 1981, XTA sells and leases back only a 20 percent interest in the 20 buses acquired in July 1981. When the UMTA grant is later approved, the lease will not terminate with respect to any portion of the 20 buses. In addition, XTA may lease the 20 percent interest in the 80 new buses purchased in 1982 and deemed to have been financed with non-Federal funds.

Example (5). On August 1, 1982, UMTA approves a grant for a major 5-year capital expenditure program to improve city Y's rapid rail transit system. None of the funds relating to this UMTA-funded project, provided either by UMTA or by city Y, will be used to purchase qualified mass commuting vehicles. Instead, a number of rapid rail cars and buses will be purchased entirely with funds provided with a combination of grants by the State and city governments and of proceeds from an issue of tax-exempt obligations described in section 103(a). Because none of the rapid rail cars and buses are included as part of the UMTA-funded project, no part of them is deemed to be financed by UMTA. If at least 5 percent of the cost of the qualified mass commuting vehicles is provided by tax exempt obligations under section 103(a), the vehicles will be qualified leased property in their entirety.

Example (6). City Z has a mass transit agency (ZTA) which purchases on July 1, 1982, 10 buses for which it pays $1,000,000. 95 percent of which is derived from grants from city Z and 5 percent from tax exempt obligations described in section 103(a). The buses have a useful life within the meaning of § 1.167(a)–1(b) of 10 years and their salvage value is zero. On July 1, 1983, ZTA sells these buses to corporation P and leases them back in a transaction which the parties elect to have treated as a lease under section 168(f)(8). At the time of the sale and leaseback, ZTA's adjusted basis in the 10 buses under section 1016(a)(3) and § 1.1016–4 is $900,000 ($1,000,000 cost less $100,000 of depreciation sustained, computed on a stright-line basis). Before the transaction will qualify under section 168(f)(8) and § 5c.168(f)(8)–6(b)(3)(ii), P's adjusted basis in the vehicles may not exceed ZTA's basis, or $900,000.

Assuming that the transaction qualifies under section 168(f)(8) and that corporation P is a calendar year taxpayer, P may claim ACRS deductions for 1982 of $135,000 (15 percent of $900,000).

Example (7). The facts are the same as in example (6) except that the sale and leaseback transaction is closed on December 31, 1982. P's adjusted basis in the vehicles may not exceed ZTA's basis, or $950,000 ($1,000,000 cost less $50,000 of depreciation sustained, computed on a straight-line basis).

Example (8). The facts are the same as in example (6) except that ZTA purchases the buses on June 1, 1981, and enters into the sale and leaseback transaction with corporation P on December 31, 1981. Under § 5c.168(f)(8)–6(b)(3)(ii), no adjustment is made to ZTA's basis in the buses for depreciation sustained. Therefore, P's basis in the buses may equal ZTA's cost of $1,000,000.

Example (9). On July 1, 1981, a unit of city W, W Transit Authority (WTA), purchases 100 buses with local grants derived entirely from a city W sales tax. The buses do not constitute qualified leased property under 5c.168(f)(8)–6 (b) (3) because no part of the financing for their purchase was derived from the proceeds of tax exempt obligations.

Example (10). The facts are the same as in example (9) except that on November 1, 1981, WTA borrows 5 percent of the cost of the buses and pledges them as security. The interest on WTA's obligation is excludable from income under section 103(a)(1). On December 31, 1981, WTA sells to T Corp. all 100 buses and leases them back. Under § 5c.168(f)(8)–6(b)(3)(i), each bus is deemed to be financed with the proceeds of tax exempt obligations. Therefore, if the vehicles otherwise meet the definition of qualified leased property, all the vehicles will be qualified leased property under this section.

* * * * *

Par. 4. Section 5c.168(f)(8)–8 (b) is amended by revising subparagraph (2) and by adding new subparagraphs (13) and (14). The revised and added provisions read as follows:

§ 5c.168(f)(8)–8 Loss of section 168(f)(8) protection; recapture.

* * * * *

(b) *Events which cause an agreement to cease to be characterized as a lease.*

* * *

(2) The failure by the lessor to file a copy of the information return (or applicable statement) with its income tax return as required in § 5c.168 (f) (8)–2 (a)(3)(iii). * * *

* * * * *

(13) The property is leased under the provisions of section 168(f)(8)(D)(iii) and § 5c.168(f)(8)–6(b)(3) and ceases to be a qualified mass commuting vehicle.

(14) The failure by the lessor to file the required information return described in § 5c.168(f)(8)–2 (a)(3)(ii) by January 31, 1982, unless the lessee files such return by January 31, 1982.

* * * * *

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 168(f)(8)(G) and 7805, Internal Revenue Code of 1954 (95 Stat. 216, 26 U.S.C. 168(f)(8)(G); and 68A Stat. 917, 26 U.S.C. 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: December 28, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 81-37276 Filed 12-28-81; 3:03 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

28 CFR Part 31

Implementation of Formula Grants Program for Juvenile Justice

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of final regulations.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing final regulations for the implementation of the formula grant program authorized by Part B, Subpart I, of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended. Formula grants are authorized to States which in turn make subgrants for use by State and local public and private agencies in carrying out juvenile justice and delinquency, improvement programs.

DATE: These regulations are effective December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Frank M. Porpotage, II, Formula Grants and Technical Assistance Division, 633 Indiana Avenue, NW., Room 742, Washington, D.C. 20531. Telephone: (202) 724–5911.

SUPPLEMENTARY INFORMATION: Draft regulations were originally published in the **Federal Register** on June 1, 1981 for public comment. Substantive changes were recommended and the draft regulations were again published for public comment on September 3, 1981. Written comments from some 66 national, regional, and local organizations were received. All comments have been considered by the OJJDP in this publication. These regulations, with the exception of § 31.303(i)(3), Valid Court Order, are final.

Discussion of Comments

Several respondents commented favorably upon the streamlining of the formula grant application requirements, an effort to simplify program administration.

The following is a summary of substantive comments and the response of the OJJDP:

1. *Comment:* The serious and violent juvenile offender emphasis of § 31.303(e) indicates that States should allocate a minimum of 30% of their formula grant funds to programs designed for these populations. Is this allocation mandatory?

Response: No. This provision in the regulations was designed to *encourage* States to address the problem of serious and violent crimes committed by juveniles. This is a major concern to the Congress, as reflected in the 1980 Amendments to the JJDP Act, and to the American public. The wording of this section attempts to focus State attention on a careful consideration of the need to allocate additional resources to this area of programming.

2. *Comment:* The serious and violent juvenile offender emphasis of § 31.303(e) should be redrafted to clarify that serious crime includes property crime. States have varying problems with juvenile violence and property crime and should be free to determine which to emphasize in programming.

Response: Agreed. A modification has been made in § 31.303(e) which serves to clarify this point.

3. *Comment:* The emphasis on serious and violent crime is inconsistent with the 66⅔% pass through to local government requirement of Section 223(a)(5) of the Act because programs for this segment of the juvenile offender population are generally organized at the State level.

Response: OJJDP will consider a waiver request from States where rehabilitation or other services for juveniles who commit serious and violent crimes are organized at the State level and to the extent justified by an increased State emphasis on this priority problem.

4. *Comment:* Specific reference to additional program areas, i.e., Project New Pride or Restitution, should be added to the serious and violent juvenile crime emphasis of the regulations.

Response: In drafting this section, OJJDP simply used the language of the legislation. Additional language specifying program options would be superfluous because States are free to select those program options which they determine have the best likelihood of success.

5. *Comment:* The jail removal requirement, Section 223(a)(14) of the JJDP Act, specifies two separate and distinct "exceptional circumstances" which are not reflected in the draft regulations.

Response: The regulations reflect the intent of the law. As Congressman Ike Andrews, Chairman of the House Subcommittee on Human Resources, stated in a letter to OJJDP on February 17, 1981, "You are completely correct that the exception language is intended to establish a single exception applying only to low population density areas. Only in such areas would the temporary detention in adult facilities of juveniles accused of serious crimes against persons be permitted should no acceptable alternative be available."

6. *Comment:* Will States be permitted, for the purpose of monitoring the Section 223(a)(14) jail removal requirement, a "grace period" in which a juvenile temporarily detained in an adult jail or lockup need not be reported as a monotoring violation? This would be similar to the 24-hour "grace period" currently permitted with respect to the Section 223(a)(12)(A) deinstitutionalization mandate.

Response: It is Congress' finding that juvenile offenders and nonoffenders should not be placed in an adult jail or lockup for any period of time. However, for the purpose of monitoring and reporting compliance with the jail removal requirement, the House Committee on Education and Labor stated, in its Committee Report on the 1980 Amendments, that it would be permissible for OJJDP to permit States to exclude, for monitoring purposes, those juveniles alleged to have committed an act which would be a crime if committed by an adult (criminal-type offenders) and who are held in an adult jail or lockup for *up to six hours*. This six-hour period would be limited to the temporary holding in an adult jail or lockup by police for the purpose of identification, processing, and transfer to juvenile court officials or to juvenile shelter or detention facilities. Any such holding of a juvenile criminal-type offender should be limited to the absolute minimum time necessary to complete this action, not to exceed six hours, but in no case overnight. Even where such a temporary holding is permitted, the Section 223(a)(13) separation requirement would operate to prohibit the accused juvenile criminal-type offender from being in sight or sound contact with an adult offender during this brief holding period. Under no circumstances does the allowance of a six hour "grace period" applicable to juvenile criminal-type offenders permit a juvenile status offender or nonoffender be detained, even temporarily, in an adult jail or lockup under Section 223(a)(14). In monitoring for compliance with Section 223(a)(14), the regulations require States to report the number of juvenile criminal-type offenders held in adult jails and lockups *in excess of six hours* (see § 31.303(i)(5)(iv)(G) and (H)).

7. *Comment:* The 48-hour limit on holding juveniles in adult jails or lockups under the Section 223(a)(14) "removal exception" is not sufficient to cover periods when court is not in session, such as weekends.

Response: Because this exception permits temporary incarceration in jails and lockups of juveniles *accused* of a serious crime against persons, a maximum 48-hour period is considered by OJJDP to be the outside limit and is intended to take into account weekends and other circumstances that would preclude the immediate transfer to an appropriate juvenile facility.

8. *Comment:* The guideline governing the "removal exception" to Section 223(a)(14), as promulgated in the draft regulations, § 31.303(i)(4), allows each

State to set specific criteria for determining "areas characterized by low population density" and to determine that "no alternative placement is available." These criteria should be established by OJJDP so that the criteria and standards are uniform for all States and can be reviewed by the public through the review and comment process of the Federal Register.

Response: The narrow "removal exception" of the law was designed to reflect "the special needs of areas characterized by low population density." OJJDP, in its rulemaking role, reviewed a number of possible criteria that could be imposed on States in defining the exception. However, we concluded that it was not feasible to establish uniform criteria applicable to all States that would be both fair and rational. OJJDP believes that the individual States are in a better position to determine the unique circumstances that warrant, subject to OJJDP's review and approval, the specific criteria to be applied in the States to implement the "removal exception" to the Section 223(a)(14) jail removal provision.

9. *Comment:* The regulations should define the term "not served by a local or regional juvenile detention facility" as used in the Section 223(a)(14) "removal exception."

Response: Agreed. A general definition of the term has now been added to regulations at § 31.303(i)(4)(iv). The definition provides that a county is not served by a local or regional juvenile detention facility when "there is no public or private juvenile detention facility operated within the county or there is no public or private juvenile facility which is in operation to provide secure detention for accused juvenile offenders from that county."

10 *Comment:* The 1980 Amendments to the JJDP Act allow an alternative State agency, other than the State Criminal Justice Council, to be designated by the Governor as the responsible agency to supervise the administration of the State's formula grant program. Any such designation is subject to approval by the OJJDP Administrator. One commentator recommended that operating agencies be specifically excluded from consideration as an acceptable alternative State agency.

Response: OJJDP is aware of the potential problems with having an operating agency serving as the administering agency for the formula grant program. The Fiscal Year 1982 Application Kit addresses this issue, requiring that in any instance where the Governor requests approval for the designation of an operating agency as the alternative State agency, it must be clearly demonstrated that the agency's supervisory board will have full policymaking authority *and* will be independent of the administrative structure of the operating agency.

11. *Comment:* The definition of "secure" as used in the terms "secure detention facility" and "secure correctional facility" has been substantially changed by removing the use of "staff security measures" in addition to other architectural means for restricting the movements and activities of residents. This change is not warranted.

Response: The change noted in the draft regulations (§ 31.304(b)) reflects the revised definitions of "secure detention facility" and "secure correctional facility" in Section 103(12) and (13) of the Act, as amended.

12. *Comment:* One third of the required 66⅔% pass through of funds to local government, § 31.301(b), should be required to be allocated to private nonprofit agencies.

Response: Such a requirement is beyond the authority of OJJDP as there is no statutory basis to support such a rule.

13. *Comment:* Because recent research has shown that there exists differential handling of minority youth in the juvenile justice system, it is recommended that a percentage of funds be set aside to further research this phenomenon and to generate specific proposals that may reduce the flow of minorities into the system.

Response: While OJJDP is aware of these research findings, the formula grant program is not the appropriate place for OJJDP to address funding for this purpose. Within the past six months, the National Institute for Juvenile Justice and Delinquency Prevention, the research arm of OJJDP, has awarded three research grants which address different aspects of this issue. It is expected that this research will provide the kinds of basic information needed to reduce the differential penetration of minority youth into the system.

Valid Court Order

There was substantial comment on and criticism of the revised valid court order guideline (§ 31.303(i)(3)). Fifteen of the commentators voiced the opinion that the revised provision failed to correctly reflect the Congressional intent underlying the valid court order amendment to Section 223(a)(12)(A) of the Juvenile Justice Act. These commentators generally favored retention of the initial implementing guideline published for comment in the Federal Register on June 1, 1981 (46 FR 29438, § 31.703(h)(3), at 29443). Specifically, they called for reinstatement of the following features of that guideline:

(1) *No secure detention under any circumstance* of a juvenile status offender or nonoffender *alleged* to have violated a valid court order;

(2) Reinstate the requirement that the judge presiding over the violation hearing, in entering a dispositional order directing or authorizing placement in a secure facility, *certify on the record* (rather than determine) *that all the elements of a valid court order have been met;* and

(3) Reinstate the requirement that the judge in (2) above also certify on the record (rather than make no certification or determination) that *there is no rational alternative to incarceration of the juvenile.*

In addition, a variety of suggestions were offered by commentators seeking to increase or clarify the protections afforded to juvenile status offenders and nonoffenders who may be subject to incarceration as a result of a court order violation. These suggestions are as follows:

(1) For a court order to be deemed valid the juvenile status offender or nonoffender should have had the *right to counsel* at the initial adjudication or other court proceeding in which the court order regulating future conduct was entered;

(2) For a court order to be deemed valid, the juvenile status offender or nonoffender should have received the *full range of due process rights* listed in § 31.303(i)(3)(v)(A)–(H) at the initial adjudication or other court proceeding in which the court order regulating future conduct was entered;

(3) The warning to the juvenile of the consequences of violating the court order (§ 31.303(i)(3)(iii)) should be provided to the juvenile *and to his attorney and/or to his parents or guardian;*

(4) The warning referenced in (3) above should be in writing *and* (rather than "or") be reflected in the court record and proceedings;

(5) The term "court of competent jurisdiction" (§ 31.303(i)(3)(iv)) should be defined so that a juvenile would only be subject to valid court order violation proceedings before the *same judge* in the *same court* in which the order was entered;

(6) The "24-hour grace period" referenced in § 31.303(i)(3)(iv) should clearly specify that this means 24 hours *exclusive of nonjudicial days* (i.e.,

holidays and weekends) consistent with OJJDP monitoring policy;

(7) The guideline should require that any judicial *determination of probable cause,* used as a basis for detaining a juvenile pending a violation hearing, must be held *within the 24-hour grace period;*

(8) There should be no *provision for a probable cause hearing.* Rather, the guideline should require that the violation hearing be held within the 24-hour grace period or the juvenile released to an appropriate nonsecure placement pending the violation hearing;

(9) A juvenile held in a secure detention facility, after a probable cause hearing pending a violation hearing, should be held for the minimum time necessary to schedule and hold a violation hearing, but in no event longer than:

(a) *3 calendar days;* or

(b) *72 hours;* or

(c) *72 hours exclusive of nonjudicial days;* or

(d) *5 calendar days;* or

(e) *10 calendar days or the number of days that an alleged delinquent offender* may be held under State law in secure detention prior to an adjudicatory hearing, whichever is less;

(10) Where a judicial determination is made that there is probable cause to believe that a status offender or nonoffender violated a valid court order, placement in a secure detention facility pending a violation hearing should require, at a minimum, a judicial finding that:

(a) There is a *probability that the juvenile will not appear for further proceedings;* or

(b) The *juvenile poses a danger to self or to community safety;*

(11) The authority to hold a juvenile status offender or nonoffender in a "secure detention facility" or a "secure correctional facility" should specify that such facilities include only those which are *exclusively for juvenile offenders;*

(12) The full due process rights enumerated in § 31.303(i)(3)(v) should include a *standard of proof beyond a reasonable doubt;* and

(13) OJJDP should establish *maximum numbers of juvenile status offenders and nonoffenders* who can be held for valid court order violations and establish a *maximum length of secure incarceration* for juveniles who violate valid court orders.

A lesser number of respondents believed that the guideline, rather than failing to provide adequate due process protection to juveniles, failed to provide sufficient judicial flexibility, offering the following suggestions to increase judicial discretion:

(1) The determination of probable cause to believe a juvenile status offender or nonoffender violated a valid court order should be made by a judge *or any duly authorized officer of the court acting on behalf of the judge;* and

(2) OJJDP should *defer to State law* in determining the maximum length of time a status offender or nonoffender alleged to have violated a valid court order may be held in secure detention pending a violation hearing.

As can be seen, there is a wide divergence of views on valid court order amendment implementation. This stems in part from a legislative history that is inconclusive on certain points, differences in various State laws, policies and practices, and the complex legal issues that underlie the treatment of juvenile status offenders and nonoffenders who violate valid court orders. It is OJJDP's conclusion that publication of a final regulation governing implementation of the valid court order amendment at this time, given the expressed concerns and information available, would not further the proper implementation of the amendment.

Consequently, OJJDP believes that further exploration and consideration of the issues raised above (and other relevant valid court order considerations) are desirable before a final rule is promulgated. Therefore, OJJDP plans to schedule at least two hearings to receive oral testimony and to give interested parties the opportunity to submit further written input on valid court order implementation. A notice will be placed in the **Federal Register** regarding the date and time for such hearings and providing for the receipt of written submissions. OJJDP anticipates that this notice will be published within 30 days. The notice will explain the rationale of the various positions and options presented in response to the **Federal Register** drafts. OJJDP's primary objective is to fully implement the congressional intent, considering the input and experience of practitioners, and to provide for a workable regulation that does not create unrealistic policies, and does not, by implication, undermine State procedural law.

OJJDP will reserve § 31.303(i)(3) of the final regulations. Pending the publication of a final regulation, States should continue to follow applicable State law and Constitutional principles of due process in their implementation and monitoring of the valid court order amendment. OJJDP urges States not to consider modification of existing State law or policy regarding the secure incarceration of juvenile status and nonoffenders who violate the lawful orders of the court until a final regulation is published.

This annoucement does not constitute a "major" rule as defined by Executive Order 12291 because it does not result in: (a) An effect on the economy of $100 million or more; (b) a major increase in any costs of prices; or (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

Finally, because this regulation will not have significant economic impact on a substantial number of small entities, no analyses of the impact of these rules on such entities is required by the Regulatory Flexibility Act, U.S.C. 601, et seq., 28 CFR part 31 is accordingly revised to read as follows:

PART 31—FORMULA GRANTS

Subpart A—General Provisions

Sec.

31.1 General.
31.2 Statutory authority.
31.3 Submission date.

Subpart B—Eligible Applicants

31.100 Eligibility.
31.101 Establishment of State Criminal Justice Council.
31.102 Membership.

Subpart C—General

31.200 General.
31.201 Audit.
31.202 Civil rights.
31.203 Open meetings and public access to records.

Subpart D—Juvenile Justice Act Requirements

31.300 General.
31.301 Funding.
31.302 Applicant State Agency.
31.303 Substantive requirements.
31.304 Definitions.

Subpart E—General Conditions and Assurances

31.400 Compliance with statute.
31.401 Compliance with other Federal laws, orders, circulars.
31.402 Application on file.
31.403 Non-discrimination.

Authority: Juvenile Justice and Delinquency Prevention Act of 1974, as amended. (42 U.S.C. 5601 et seq.)

Subpart A—General Provisions

§ 31.1 General.

This Part defines eligibility and sets forth requirements for application for and administration of formula grants to State governments authorized by Part B, Subpart I, of the Juvenile Justice and Delinquency Prevention Act.

§ 31.2 Statutory authority.

The statute establishing the Office of Juvenile Justice and Delinquency Prevention and giving authority to make grants for juvenile justice and delinquency prevention improvement programs is the *Juvenile Justice and Delinquency Prevention Act of 1974*, as amended (42 U.S.C. 5601 et seq.).

§ 31.3 Submission date.

Juvenile Justice Plans for Fiscal Year 1982 shall be submitted to the OJJDP within 60 days after States are notified of fiscal year 1982 Formula Grant allocations.

Subpart B—Eligible Applicants

§ 31.100 Eligibility.

All States as defined by Section 103(7) of the JJDP Act.

§ 31.101 Establishment of State Criminal Justice Council.

Each state which chooses to apply for a formula grant shall establish or designate by law a State Criminal Justice Council unless an alternative State agency is designated by the Chief Executive and approved by the OJJDP Administrator pursuant to Section 261(c) of the JJDP Act. States must assure they have available for review a copy of the State law establishing the Council, and a current list of Council membership.

§ 31.102 Membership of Council.

Pursuant to Section 1301(i) of the Justice System Improvement Act (JSIA) of 1979, States participating in the formula grant program of the Juvenile Justice and Delinquency Prevention Act, in addition to statutory membership requirements, must include on the State Criminal Justice Council the chairperson and at least two additional citizen members of that Act. For purposes of this requirement a citizen member is defined as any person who is not a full-time government employee or elected official. Any executive committee of the Council must include the same proportion of juvenile justice advisory group members as are included in the total Council membership.

Subpart C—General Requirements

§ 31.200 General.

This subpart sets forth general requirements applicable to formula grant recipients under the JJDP Act of 1974, as amended. Applicants must assure compliance or submit necessary information on these requirements.

§ 31.201 Audit.

The State must assure that it adheres to the audit requirements enumerated in the "Financial and Administrative Guide for Grants" OJARS Guideline Manual 7100.1B, October 20, 1980. Chapter 8 of the Manual contains a comprehensive statement of audit policies and requirements relative to grantees and subgrantees.

§ 31.202 Civil rights.

(a) To carry out the State's Federal civil rights responsibilities the plan must:

(1) Designate a civil rights contact person who has lead responsibility in insuring that all applicable civil rights requirements, assurances, and conditions are met and who shall act as liaison in all civil rights matters with OJJDP and the OJARS' Office of Civil Rights Compliance (OCRC).

(2) Contain the Council's Equal Employment Opportunity Program (EEOP), if required to maintain one under 28 CFR 42.301, et seq., where the application is for $500,000 or more.

(b) The application must provide assurance that the State will:

(1) Require that every applicant required to formulate an EEOP in accordance with 28 CFR 42.301 et seq., submit a certification to the State that it has a current EEOP on file, which meets the requirement therein.

(2) Require that every criminal or juvenile justice agency applying for a grant of $500,000 or more submit a copy of its EEOP (if required to maintain one under 28 CFR 42.301, et seq.) to OCRC at the time it submits its application to the State;

(3) Inform the public and subgrantees of affected persons' rights to file a complaint of discrimination with OCRC for investigation;

(4) Cooperate with OCRC during compliance reviews of recipients located within the State; and

(5) Comply, and that its subgrantees and contractors will comply with the requirement that, in the event that a Federal or State court or administration agency makes a finding of discrimination on the basis of race, color, religion, national origin, or sex (after a due process hearing) against a State or a subgrantee or contractor, the affected recipient or contractor will forward a copy of the finding to OCRC.

§ 31.203 Open meetings and public access to records.

The State must assure that it will comply with the requirements of Section 402(c)(2) of the Justice System Improvement Act.

Subpart D—Juvenile Justice Act Requirements

§ 31.300 General.

This subpart set forth specific JJDP Act requirements for application and receipt of formula grants.

§ 31.301 Funding.

(a) *Allocation to States.* Each State receives a base allotment of $225,000 except for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands where the base amount is $56,250. Funds are allocated among the States on the basis of relative population under 18 years of age.

(b) *Funds for Local Use.* At least two-thirds of the formula grant allocation to the State must be used for programs by local government, or local private agencies unless the State applies for and is granted a waiver by the Office of Juvenile Justice and Delinquency Prevention.

(c) *Match.* Formula grants under the JJDP Act shall be 100% of approved costs, with the exception of planning and administration funds, which require a 100% cash match (dollar for dollar), and construction projects funded under Section 227(a)(2) which require a 50% cash match.

(d) *Funds for Administration.* Not more than 7.5% of the total annual formula grant award may be utilized to develop the annual juvenile justice plan and pay for administrative expenses, including project monitoring evaluation. These funds are to be matched on a dollar for dollar basis. The State shall make available needed funds for planning and administration to units of local government or combinations on an equitable basis. Each annual application must identify uses of such funds.

§ 31.302 Applicant State Agency.

(a) Pursuant to Section 223(a)(2) and Section 261(c) of the JJDP Act, the State assures that a State Criminal Justice Council or other State agency approved under Section 261(c) has been designated as the sole agency for supervising the preparation and administration of the plan and has the authority to implement the plan.

(b) The Chief Executive shall establish a Juvenile Advisory Group pursuant to Section 223(a)(3) of the JJDP Act. The State shall provide a list of all current advisory group members, indicating their respective dates of appointment and how each member meets the membership requirements specified in this Section of the Act.

(c) The State shall assure that it complies with the Advisory Group Financial support requirement of Section 222(d) and the composition and function requirements of Section 223(a)(3) of the JJDP Act.

§ 31.303 Substantive requirements.

(a) *Consultation with and Participation of Units of General Local Government.* The State shall assure that it has complied with Sections 223(a) (4) and (6) of the Act.

(b) *Participation of Private Agencies.* The State shall assure that it has complied with Section 223(a)(9) of the Act.

(c) *Pass-Through Requirement.* The State shall assure that it complies with Section 223(a)(5) of the Act. For purposes of the pass-through requirement, a *local private agency* is defined as a private non-profit agency or organization that provides program services within an identifiable unit or a combination of units of general local government.

(d) *Rights of Privacy of Recipients of Services.* Pursuant to Sections 223(a)(17) and 229 of the JJDP Act, the State shall assure that it has established procedures to meet this requirement.

(e) *Serious Juvenile Offender Emphasis.* Pursuant to Sections 101(a)(8), 223(a)(10) and 224(a)(12) of the JJDP Act, the Office encourages States that have identified serious and violent juvenile offenders as a priority problem, to allocate a minimum of 30% of the formula grant award to programs designed for serious and violent juvenile offenders. Particular attention should be given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation. In accord with Administration policy direction, the Office will attempt to assist States to reach this goal.

(f) *Deinstitutionalization of Status Offenders and Non-Offenders.* Pursuant to Section 223(a)(12)(A) of the JJDP Act, the State shall:

(1) Describe its plan, procedure, and timetable covering the three-year planning cycle, for assuring that the requirements of this section are met. Refer to § 31.303(i)(3) for the rules related to the valid court order exception to this Act requirement.

(2) Describe the barriers the State faces in achieving full compliance with the provisions of this requirement.

(3) For those States that have achieved "substantial compliance" as outlined in Section 223(c) of the Act, indicate the unequivocal commitment to achieving full compliance. Attach documentation.

(4) Those States which, based upon the most recently submitted monitoring report, have been found to be in full compliance with Section 223(a)(12)(A) may, in lieu of addressing paragraphs (f)(1), (2), and (3) of this section, provide an assurance that adequate plans and resources are available to maintain full compliance.

(5) Submit the report required under Section 223(a)(12)(B) of the Act as part of the annual monitoring report required by Section 223(a)(15) of the Act.

(g) *Contact with Incarcerated Adults.* (1) Pursuant to Section 223(a)(13) of the JJDP Act the State shall:

(i) Describe its plan and procedure, covering the three-year planning cycle, for assuring that the requirements of this section are met. The term *regular contact* is defined as sight and sound contact with incarcerated adults, including inmate trustees. This prohibition seeks as complete a separation as possible and permits no more than haphazard or accidental contact between juveniles and incarcerated adults. In addition, include a timetable for compliance and justify any deviation from a previously approved timetable.

(ii) In those isolated instances where juvenile criminal-type offenders remain confined in adult facilities or facilities in which adults are confined, the State must set forth the procedures for assuring no regular sight and sound contact between such juveniles and adults.

(iii) Describe the barriers which may hinder the separation of alleged or adjudicated criminal-type offenders, status offenders and non-offenders from incarcerated adults in any particular jail, lockup, detention or correctional facility.

(iv) Those States which, based upon the most recently submitted monitoring report, have been found to be in compliance with Section 223(a)(13) may, in lieu of addressing paragraphs (g)(1)(i), (ii), and (iii) of this section, provide an assurance that adequate plans and resources are available to maintain compliance.

(v) Assure that adjudicated offenders are not reclassified administratively and transferred to an adult (criminal) correctional authority to avoid the intent of segregating adults and juveniles in correctional facilities. This does not prohibit or restrict waiver of juveniles to criminal court for prosecution, according to State law. It does, however, preclude a State from administratively transferring a juvenile offender to an adult correctional authority or a transfer within a mixed juvenile and adult facility for placement with adult criminals either before or after a juvenile reaches the statutory age of majority. It also precludes a State from transferring adult offenders to a juvenile correctional authority for placement.

(2) *Implementation.* The requirement of this provision is to be planned and implemented immediately by each state in light of identified constraints on immediate implementation. Immediate compliance is required where no constraints exist. Where constraints exist, the designated date of compliance in the latest approved plan is the compliance deadline. Those states not in compliance must show annual progress toward achieving compliance until compliance is reached.

(h) *Removal of Juveniles from Adult Jails and Lock-ups.* Pursuant to Section 223(a)(14) of the JJDP Act, the State shall:

(1) Describe its plan, procedure, and timetable for assuring that requirements of this section will be met by December 8, 1985. Refer to § 31.303(i)(4) to determine the "exceptional circumstances" which have to exist to permit, in areas characterized by low population density with respect to the detention of juveniles and where no existing acceptable alternative placement is available, the temporary detention of juveniles accused of serious crimes against persons.

(2) Describe the barriers which the State faces in removing all juveniles from adult jails and lock-ups. This requirement excepts only those juveniles formally waived or transferred to criminal court and criminal charges have been filed, or juveniles over whom a criminal court has original or concurrent jurisdiction and such court's jurisdiction has been involved through the filing of criminal charges.

(3) For those States that have achieved "substantial compliance" with Section 223(a)(14) as specified in Section 223(c) of the Act, indicate the unequivocal commitment to achieving full compliance. Attach documentation.

(4) Those States which, based upon the most recently submitted monitoring report, have been found to be in full compliance with Section 223(a)(14) may, in lieu of addressing paragraphs (h)(1), (2), and (3) of this section, provide an assurance that adequate plans and resources are available to maintain full compliance.

(i) *Monitoring of Jails, Detention Facilities and Correctional Facilities.* (1) Pursuant to Section 223(a)(15) of the JJDP Act, and except as provided by paragraph (i)(7) of this section, the State shall:

(i) Indicate how it will annually identify and survey all secure detention or correctional facilities, jails, lock-ups, and other facilities usable for the detention and confinement of juveniles.

(ii) Provide a plan for an annual on-site inspection of all such facilities identified in paragraph (i)(1)(i) of this section. Such plan shall include a procedure for reporting and investigating compliance complaints in accordance with Section 223(a)(12)(A), (13), and (14).

(iii) Include a description of the barriers which the State faces in developing a monitoring system to establish and report the level of compliance with Sections 223(a)(12), (13), and (14).

(2) For the purpose of monitoring for compliance with Section 223(a)(12)(A) of the Act a secure detention or correctional facility is:

(i) Any secure public or private facility used for the lawful custody of *accused* or adjudicated juvenile offenders or non-offenders; or

(ii) Any secure public or private facility, which is also used for the lawful custody of accused or convicted adult criminal offenders.

(3) *Valid Court Order* [Reserved].

(4) *Removal Exception (Section 223(a)(14)).* The following conditions must be met in order for an accused juvenile criminal-type offender to be temporarily detained (for up to 48 hours) in an adult jail or lock-up:

(i) The geographic area which has jurisdiction over the juvenile has been certified as having a low population density, based upon specific criteria developed by the State and approved by OJJDP. The criteria developed must take into account total county population per square mile. The State must provide rationale for the criteria proposed.

(ii) The juvenile must be accused of a serious crime against persons to include: Criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, and extortion accompanied by threats of violence.

(iii) A determination must be made that there is no existing acceptable alternative placement available for the juvenile pursuant to criteria developed by the State and approved by OJJDP.

(iv) The county is not served by a local or regional juvenile detention facility. Generally, this phrase means that there is no public or private juvenile detention facility operated within the county or there is no public or private juvenile facility which is in operation to provide secure detention for accused juvenile offenders from that county.

(5) *Reporting Requirement.* The State shall report annually to the Administrator of OJJDP on the results of monitoring for Sections 223(a)(12), (13), and (14) of the JJDP Act. Three copies of the report shall be submitted to the Administrator of OJJDP no later than December 31 of each year.

(i) To demonstrate the extent of compliance with Section 223(a)(12)(A) of the JJDP Act, the report must at least include the following information for both the baseline and the current reporting periods.

(A) Dates of baseline and current reporting period.

(B) Total number of public and private juvenile detention and correctional facilities AND the number inspected on-site.

(C) Total number of accused status offenders and non-offenders held in any secure detention or correctional facility as defined in § 31.303(i)(2) for longer than 24 hours exclusive of non-judicial days, excluding those held pursuant to a judicial determination that the juvenile violated a valid court order.

(D) Total number of adjudicated status offenders and non-offenders held in any secure detention or correctional facility as defined in § 31.303(i)(2), excluding those held pursuant to a judicial determination that the juvenile violated a valid court order.

(E) Total number of status offenders held in any secure detention or correctional facilities pursuant to a judicial determination that the juvenile violated a valid court order.

(ii) To demonstrate the extent to which the provisions of Section 223(a)(12)(B) of the JJDP Act are being met, the report must include the total number of accused and adjudicated status offenders and non-offenders placed in facilities that are:

(A) Not near their home community;

(B) Not the least restrictive appropriate alternative; and

(C) Not community-based.

(iii) To demonstrate the progress toward and extent of compliance with Section 223(a)(13) of the JJDP Act, the report must at least include the following information for both the baseline and the current reporting periods.

(A) Designated date for achieving full compliance.

(B) The total number of facilities that can be used for the secure detention and confinement of both juvenile offenders and adult criminal offenders.

(C) The total number of facilities used for the secure detention and confinement of both juvenile offenders and adult criminal offenders during the past 12 months AND the number inspected on-site.

(D) The total number of facilities used for secure detention and confinement of both juvenile offenders and adult criminal offenders which did not provide adequate separation.

(E) The total number of juvenile offenders and non-offenders NOT adequately separated in facilities used for the secure detention and confinement of both juveniles and adults.

(iv) To demonstrate the progress toward and extent of compliance with Section 223(a)(14) of the JJDP Act the report must at least include the following information for the baseline and current reporting periods:

(A) Dates of baseline and current reporting period.

(B) Total number of adult jails in the State AND the number inspected on-site.

(C) Total number of adult lock-ups in the State AND the number inspected on-site.

(D) Total number of adult jails holding juveniles during the past twelve months.

(E) Total number of adult lock-ups holding juveniles during the past twelve months.

(F) Total number of adult jails and lock-ups in areas meeting the "removal exceptions" as noted in subparagraph 4 above, including a list of such counties.

(G) Total number of juvenile-criminal-type offenders held in adult jails in excess of six hours.

(H) Total number of juvenile-criminal-type offenders held in adult lock-ups in excess of six hours.

(I) Total number of accused and adjudicated status offenders and non-offenders held in any adult jail or lock-up as defined in Section 31.304.

(J) Total number of juveniles accused of a serious crime against persons held less than 48 hours in adult jails and lock-ups in areas meeting the "removal exception" as noted in subparagraph 4 above.

(6) *Compliance.* The State must demonstrate the extent to which the requirements of Section 223(a)(12)(A), (13), and (14) of the Act are met. Should the State fail to demonstrate compliance with the requirements of these Sections within designated time frames, eligibility for formula grant funding shall terminate. The compliance levels are:

(i) *Substantial compliance* with Section 223(a)(12)(A) requires within three years of initial plan submission achievement of a 75% reduction in the aggregate number of status offenders and non-offenders held in secure detention or correctional facilities or removal of 100% of such offenders from secure correctional facilities only. In

addition, the State must make an unequivocal commitment, through appropriate executive and legislative action, to achieving full compliance within two additional years. *Full compliance* is achieved when a State has removed 100% of such juveniles from secure detention and correctional facilities or can demonstrate full compliance with *de minimis* exceptions pursuant to the policy criteria contained in the Federal Register of January 9, 1981 (46 FR 2566–2569).

(ii) *Compliance* with Section 223(a)(13) has been achieved when a State can demonstrate that:

(A) The last submitted monitoring report, covering a full 12 months of data, demonstrates that no juveniles were incarcerated in circumstances that were in violation of Section 223(a)(13); or

(B)(*1*) State law, regulation, court rule, or other established executive or judicial policy clearly prohibits the incarceration of all juvenile offenders in circumstances that would be in violation of Section 223(a)(13);

(*2*) All instances of noncompliance reported in the last submitted monitoring report were in violation of, or departures from, the State law, rule, or policy referred to in paragraph (i)(6)(ii)(B)(*1*) of this section;

(*3*) The instances of noncompliance do not indicate a pattern or practice but rather constitute isolated instances; and

(*4*) Existing mechanisms for the enforcement of the State law, rule, or policy referred to in paragraph (i)(6)(ii)(B)(*1*) of this section are such that the instances of noncompliance are unlikely to recur in the future.

(iii) *Substantial compliance* with Section 223(a)(14) requires the achievement of a 75% reduction in the number of juveniles held in adult jails and lock-ups by December 8, 1985 and that the State has made an unequivocal commitment, through appropriate executive or legislative action, to achieving full compliance within two additional years.

(7) *Monitoring Report Exceptions.* States which have been determined by the OJJDP Administrator to have achieved full compliance with Section 223(a)(12)(A) and compliance with Section 223(a)(13) of the Juvenile Justice Act and which wish to be exempted from the annual monitoring report requirements must submit a written request to the OJJDP Administrator which demonstrates that:

(i) The State provides for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to enable an annual determination of State compliance with Sections 223(a)(12)(A), (13), and (14) of the JJDP Act;

(ii) State legislation has been enacted which conforms to the requirements of Sections 223(a)(12)(A) and (13) of the Juvenile Justice Act; and

(iii) The enforcement of the legislation is statutorily or administratively prescribed, specifically providing that:

(A) Authority for enforcement of the statute is assigned;

(B) Timeframes for monitoring compliance with the statute are specified; and

(C) Adequate sanctions and penalties that will result in enforcement of the statute and procedures for remedying violations are set forth.

(j) *Juvenile Crime Analysis.* Pursuant to Section 223(a)(8)(A) and (B) the State shall conduct an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs.

(1) *Analysis.* The analysis must be provided in the multi-year application. A suggested format for the analysis is provided in the Formula Grant Application Kit.

(2) *Product.* The product of the analysis is a series of brief written problem statements set forth in the application that define and describe the priority problems.

(3) *Programs.* Applications are to include descriptions of programs to be supported with Juvenile Justice Act formula grant funds. A suggested format for these programs is included in the application kit.

(4) *Performance Indicators.* A list of performance indicators must be developed and set forth for each program. These indicators show what data will be collected at the program level to measure whether objectives and performance goals have been achieved and should relate to the measures used in the problem statement and statement of program objectives.

(k) *Concentration of State Effort.* Pursuant to Section 223(a)(8)(C) the State shall assure that it has on file a plan for the concentration of State efforts as they relate to the coordination of all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities.

(l) *Annual Performance Report.* Pursuant to Section 223(a) and Section 223(a)(21) the State Plan shall provide for submission of an annual performance report. The State shall report on its progress in the implementation of the approved programs, described in the three-year plan. The performance indicators will serve as the objective criteria for a meaningful assessment of progress toward achievement of measurable goals.

(m) *Equitable Distribution of Juvenile Justice Funds and Assistance to Disadvantaged Youth.* The State shall assure that it complies with Sections 223(a)(7) and (16) of the JJDP Act.

(n) *Advanced Techniques.* The State shall assure that it complies with Section 223(a)(10) of the JJDP Act.

(o) *Analytical and Training Capacity.* The State shall assure that it complies with Sections 223(a)(11) and (12) of the JJDP Act.

(p) *Equitable Arrangements for Employees Affected by Assistance Under the Act.* Pursuant to Section 223(a)(18) the State shall assure that fair and equitable arrangements are made to protect the interests of employees affected by assistance under the Act.

(q) *Non-Supplantation.* The State shall assure that it complies with Section 223(a)(20) of the JJDP Act.

(r) *Technical Assistance.* States shall include, within their plan, a description of technical assistance needs. Specific direction regarding the development and inclusion of all Technical Assistance needs and priorities will be provided in the "Application Kit for Formula Grants under the JJDPA."

(s) *Other Terms and Conditions.* Pursuant to Section 223(a)(22) of the JJDP Act, States shall agree to other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of programs assisted under the formula grant.

§ 31.304 Definitions.

(a) *Private agency.* A private non-profit agency, organization or institution is:

(1) Any corporation, foundation, trust, association, cooperative, or accredited institution of higher education not under public supervision or control; and

(2) Any other agency, organization or institution which operates primarily for scientific, educational, service, charitable, or similar public purposes, but which is not under public supervision or control, and not part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax-exempt under the provisions of Section 501(c)(3) of the 1954 Internal Revenue Code.

(b) *Secure.* As used to define a detention or correctional facility this term includes residential facilities which have fixtures designated to physically restrict the movements and activities of persons in custody such as locked rooms

and buildings, fences, or other physical structures.

(c) *Facility.* A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public and private agencies.

(d) *Juvenile who is accused of having committed an offense.* A juvenile with respect to whom a petition has been filed in the juvenile court or other action has occurred alleging that such juvenile is a juvenile offender, i.e., a criminal-type offender or a status offender, and no final adjudication has been made by the juvenile court.

(e) *Juvenile who has been adjudicated as having committed an offense.* A juvenile with respect to whom the juvenile court has determined that such juvenile is a juvenile offender, i.e., a criminal-type offender or a status offender.

(f) *Juvenile offender.* An individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law, i.e., a criminal-type offender or a status offender.

(g) *Criminal-type offender.* A juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(h) *Status offender.* A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(i) *Non-offender.* A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

(j) *Lawful custody.* The exercise of care, supervision and control over a juvenile offender or non-offender pursuant to the provisions of the law or of a judicial order or decree.

(k) *Other individual accused of having committed a criminal offense.* An individual, adult or juvenile, who has been charged with committing a criminal offense in a court exercising criminal jurisdiction.

(l) *Other individual convicted of a criminal offense.* An individual, adult or juvenile, who has been convicted of a criminal offense in a court exercising criminal jurisdiction.

(m) *Adult jail.* A locked facility, administered by State, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year.

(n) *Adult Lockup.* Similar to an adult jail except that an adult lock-up is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

Subpart E—General Conditions and Assurances

§ 31.400 Compliance with statute.

The applicant State must assure and certify that the State and its subgrantees and contractors will comply with applicable provisions of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90–351, as amended, and with the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93–415, as amended, and the provisions of the OJARS Financial and Administrative Guide for Grants, M 7100.1B.

§ 31.401 Compliance with other Federal laws, orders, circulars.

The applicant State must further assure and certify that the State and its subgrantees and contractors will adhere to regulations of the Department and other applicable Federal laws, orders and circulars. These general Federal laws and regulations are described in greater detail in the "Fiscal Year 1982 Application Kit for Formula Grants under the JJDP Act."

§ 31.402 Application on file.

Any Federal funds awarded pursuant to an application must be distributed and expended pursuant to and in accordance with the programs contained in the applicant State's current approved application and any advance funds will not be awarded for any program not specifically approved and clearly set forth in the current comprehensive application. Any departures therefrom, other than to the extent permitted by current program and fiscal regulations and guidelines, must be submitted for advance approval by the Administration or of OJJDP.

§ 31.403 Non-discrimination.

The State assures that it will comply, and that subgrantees and contractors will comply, with all applicable Federal nondiscrimination requirements, including:

(a) Section 815(c)(1) of the Justice System Improvement Act of 1979, as made applicable by Section 262(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended;

(b) Title VI of the Civil Rights Act of 1964;

(c) Section 504 of the Rehabilitation Act of 1973, as amended;

(d) Title IX of the Education Amendments of 1972;

(e) The Age Discrimination Act of 1975; and

(f) The Department of Justice Nondiscrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 81-37250 Filed 12-30-81; 8:45 am]

BILLING CODE 4410-18-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Parts 1602, 1607, 1620 and 1627

Display of OMB Control Numbers For Recordkeeping Requirements

AGENCY: Equal Employment Opportunity Commission.

ACTION: Technical amendments.

SUMMARY: This document amends the Equal Employment Opportunity Commission's regulations to include Office of Management and Budget control numbers at the places in the regulations where current information collection requirements are described. It also removes obsolete references to previous Government Accounting Office or Office of Management and Budget approvals of information collection requirements.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Anthony J. De Marco, Supervisory Attorney, Office of General Counsel, Legal Counsel Division, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506, telephone number (202) 634–6595.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in the regulatory sections listed below have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and assigned the control numbers contained in the listing.

Text of the Amendments

Following the text of each paragraph of Title 29 cited in the first column of the table, add parenthetically the corresponding Office of Management and Budget number listed in the second column:

CFR citation	OMB control No.
1602.39, 1602.40	3046-0009
1602.27, 1602.28	3046-0006
1602.12, 1602.14	3046-0007
1602.30, 1602.31	3046-0008
1602.48, 1602.49	3046-0009
1607.4, 1607.15	3046-0017
1627.3, 1627.4, 1627.5, 1627.6, 1627.7	3046-0018
1620.21	3046-0019

Signed at Washington, D.C. this 28th day of December 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman, Equal Employment Opportunity Commission.

[FR Doc. 81-37246 Filed 12-30-81; 8:45 am]

BILLING CODE 6570-06-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2610, 2615, 2616, 2617, 2622, 2643, 2671, and 2673

List of Existing Recordkeeping Requirements

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Technical amendments.

SUMMARY: This notice lists recordkeeping requirements which have been established by the Pension Benefit Guaranty Corporation. This notice is being published to inform the public of agency compliance with Section 3512, the public protection clause, of the Paperwork Reduction Act of 1980.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Nina R. Hawes, Attorney, Office of the General Counsel, Suite 7200, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: On November 23, 1981, the Administrator for Information and Regulatory Affairs of the Office of Management and Budget (OMB) issued a memorandum requesting agencies to develop and publish in the **Federal Register**, lists of existing agency recordkeeping requirements, showing the regulatory citation and the current control number assigned by OMB.

The recordkeeping and reporting requirements of the Pension Benefit Guaranty Corporation, under their respective OMB control numbers, are listed below.

Following the text of each of the following cited sections in Title 29 CFR, add parenthetically the OMB Control numbers listed for that section.

1. Report title: Annual Premium Filing. Citation: 29 CFR 2610.3, (formerly 29 CFR 2602.3) OMB Control Number: 1212-0009

2. Report title: Notice of Intent to Terminate. Citation: 29 CFR 2616.3 (formerly 29 CFR 2604.3) OMB Control Number: 1212-0012

3. Report title: Reporting and Notification Requirements for Reportable Events. Citation: 29 CFR 2615.3 (formerly 29 CFR 2617.3) OMB Control Number: 1212-0013

4. Report title: Submission of net worth information. Citation: 29 CFR 2622.3 (formerly 29 CFR 2613.3) OMB Control Number: 1212-0017

5. Report title: Demonstration of sufficiency; Submission of distribution information. Citation: 29 CFR 2617.12 (formerly 29 CFR 2615.12), 29 CFR 2617.23, (formerly 29 CFR 2615.23) OMB Control Number: 1212-0018

6. Report title: Election of single employer status. Citation: 29 CFR 2671.3 OMB Control Number: 1212-0019

7. Report title: Notice of termination for multiemployer plans. Citation: 29 CFR 2673.2 OMB Control Number: 1212-0020

8. Report title: Variances for sale of assets. Citation: 29 CFR 2643.2, 46 FR 46129 OMB Control Number: 1212-0021

Henry Rose,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-37267 Filed 12-30-81; 8:45 am]

BILLING CODE 7708-01-M

29 CFR Part 2619

Valuation of Plan Benefits in Non-Multiemployer Plans; Amendment Adopting Additional Table

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Interim rule; amendment.

SUMMARY: This publication sets forth an amendment to Appendix D of Part 2619, Valuation of Plan Benefits in Non-Multiemployer Plans. The amendment adds a new table, Table I-82, to Appendix D for plans which terminate in 1982. This table is to be used to determine an expected retirement age for certain plan participants in terminating pension plans covered under Title IV of the Employee Retirement Income Security Act of 1974. The expected retirement age is needed to calculate the value of an early retirement benefit and thus the total value of benefits under the plan.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Nina R. Hawes, Staff Attorney, Office of General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, an interim rule on expected retirement age was published in the **Federal Register** at 46 FR 9504 as Subpart D of Part 2610, Valuation of Plan Benefits in Non-Multiemployer Plans. Subpart D of Part 2610 provided methods of determining an expected retirement age to be used in conjunction with the rules contained in Subparts B and C of that Part to determine the value of an early retirement benefit. Part 2610 was redesignated Part 2619 in a notice published June 24, 1981 (46 FR 32574).

Appendix D was published concurrently with Subpart D at 46 FR 9514. Appendix D contains two sets of tables to be used to determine an expected retirement age. The first set of tables, Selection of Retirement Rate Category (I-79, I-80 and I-81), are used to determine whether a participant has a low, medium or high probability of retiring early. The second set of tables, Expected Retirement Ages for Individuals in the Low, Medium and High Categories (II-A, II-B and II-C), are used to determine the expected retirement age.

The first set of tables are based on the year the participant reaches normal retirement age and the participant's monthly retirement benefit. Under the second set of tables, the expected retirement age is based on the earliest age a participant could retire and the normal retirement age under the plan. Once a plan administrator has determined the category of a participant using the first set of tables, he or she uses the second set of tables published in Appendix D to determine an expected retirement age. This age is used to calculate the value of the early retirement benefit and thus, the total amount of employer liability owed to PBGC.

The Selection of Retirement Rate Category Table is revised annually and normally will only remain in effect for a calendar year. The Appendix sets forth one table for each year, which applies to plans terminating in that year. The addition of in Table I-82 is necessary to update the correlation between the amount of a participant's benefit and the

probability that he or she will elect early retirement.

The PBGC has determined that notice and public comment on the addition of Table I–82 to Appendix D to Part 2619 are impracticable and contrary to the public interest. This determination is based on the need to issue the table promptly, so the table will reflect, as accurately as possible, the relationship between a participant's benefit and his or her probability of retiring early. The PBGC has found that the public interest is best served by issuing this table without an opportunity for notice and comment so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after January 1, 1982, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291 of February 17, 1981 (46 FR 13193) because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

PART 2619—VALUATION OF PLAN BENEFITS IN NON-MULTIEMPLOYER PLANS

In consideration of the foregoing, Part 2619 of Chapter XXVI of Title 29, Code of Federal Regulations is hereby promulgated as an interim rule as follows:

1. The authority citation for Part 2619 reads as follows:

Authority: Secs. 4002(b)(3), 4041, 4044, and 4062(b)(1)(A), Pub. L. 93–406, 88 Stat. 1004, 1020, 1025–27, 1029 (1974), as amended by Secs. 403(l), 403(d) and 402(a)(7), Pub. L. 96–364, 94 Stat. 1302, 1301, 1299 (1980) (29 U.S.C. 1302, 1341, 1344, and 1362)

2. Appendix D to Part 2619 is amended by the addition of Table I–82.

Appendix D—Tables Used To Determine Expected Retirement Age

* * * * *

TABLE I–82.—SELECTION OF RETIREMENT RATE CATEGORY

[For plans with a valuation date after Dec. 31, 1981 and before Jan. 1, 1983]

Participant reaches NRA in year—	Participant's retirement rate category is—			
	Low[1] if monthly benefit at NRA is less than—	Medium[2] if monthly benefit at NRA is		High[3] if monthly benefit at NRA is greater than—
		From—	To—	
1983	$261	$261	$1,098	$1,098
1984	282	282	1,188	1,188
1985	303	303	1,278	1,278
1986	323	323	1,363	1,363
1987	343	343	1,381	1,381
1988	363	363	1,381	1,381
1989	385	385	1,381	1,381
1990	408	408	1,381	1,381
1991	433	433	1,381	1,381
1992 or later	459	459	1,381	1,381

[1] Table II–A.
[2] Table II–B.
[3] Table II–C.

Henry Rose,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81–37349 Filed 12–30–81; 8:45 am]

BILLING CODE 7708–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD2 81–01]

Safety Zone; Upper Mississippi River, Mile 633.7 to 636.7

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone Regulations removes the Safety Zone on the Upper Mississippi River between Mile 633.7 to Mile 636.7, including the Marquette-Joliet Highway 18 Bridge at Mile 634.7 near Prairie Du Chien, Wisconsin. The effect of this action is to eliminate all special operating requirements for certain vessels transiting the applicable waters of the Upper Mississippi River imposed by the Safety Zone, as amended.

EFFECTIVE DATE: The amendment became effective at 6:00 (cst) on November 27, 1981.

FOR FURTHER INFORMATION CONTACT: Commander L. Z. Katcharian, Project Officer, c/o Marine Safety Office, P.O. Box 3428, St. Paul, MN, telephone (612) 725–7452.

SUPPLEMENTARY INFORMATION: The Safety Zone was established between Mile 633.7 and Mile 636.7 Upper Mississippi River, by the Captain of the Port, Minneapolis/St. Paul, MN, under the authority of the Ports and Waterway Safety Act, as amended, on March 23, 1981 (published at 46 FR 26055, May 11, 1981). This initial action was taken due to the discovery of potential defects requiring repair efforts to the Marquette-Joliet Highway 18 bridge at Mile 634.7 near Prairie Du Chien, Wisconsin. In order to reduce the possibility of vessel or cargo damage or damage to life, property, or the marine environment, the Safety Zone was established imposing various navigational restrictions on certain vessels transiting the zone. As repairs have progressed the navigational restrictions have been modified in light of the changing conditions. Amendments were published at 46 FR 41494, August 17, 1981, and at 46 FR 48925, October 5, 1981. Due to the removal of obstructions from the channel which had been temporarily necessary to effect the repairs, the Captain of the Port, Minneapolis/St. Paul, MN, has determined that the restrictions are no longer necessary and has exercised his authority to terminate the Safety Zone.

This amendment is issued without publication of a notice of proposed rulemaking and is effective in less than 30 days from the date of publication. To continue the restrictions during a proposed rulemaking period when the conditions requiring the restrictions no longer exist would be an unnecessary burden on the affected maritime interests without any appreciable benefit to the public at large. This rulemaking has been reviewed under the provisions of Executive Order 12291 and has been determined not to be major. This amendment has been determined to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of 5–77–80). As economic

evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1165), it is also certified that the rules will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principle persons involved in drafting this amendment are Commander Charles G. Hill, USCG, and Lieutenant Commander Richard A. Knee, USCG, Project Attorney, c/o Commander, Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri 63103.

Comments

No written comments were received following the original creation of or amendments to the Safety Zone. Although this amendment gives notice of the termination of the Safety Zone, public comment is nevertheless desirable as part of the ongoing review of the conditions at this bridge. Accordingly, persons wishing to comment may do so by submitting written comments to Commander (m), Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri 63103. Comments may be mailed or hand delivered. Commenters should include their names and addresses, identify the docket number, and give reasons for the comment. Based upon comments received and experience gained in evaluating the navigational needs of approaching and transiting the bridge span, the Safety Zone may be reestablished. Any person desiring acknowledgment of their written comments should include a self addressed stamped postcard or envelope.

Final Regulation

PART 165—SAFETY ZONES

§ 165.211 [Removed]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by removing § 165.211.

(92 Stat. 1475 [33 U.S.C. 1225]; 92 Stat. 1477 [33 U.S.C. 1231]; 49 CFR 1.46 [n][4])

Dated: December 15, 1981.

L. Z. Katcharian,

Commander, Coast Guard, Captain of the Port, Minneapolis/St. Paul, MN.

[FR Doc. 81-37064 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AEN-5 FRL 1991-8]

Interim Enforcement Policy for Sulfur Dioxide Emission Limitations in Indiana

AGENCY: Environmental Protection Agency.

ACTION: Policy concerning the enforcement for sulfur dioxide emissions limitations.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) is announcing a policy concerning enforcement of sulfur dioxide emission limitations contained in the State Implementation Plan for Indiana.

The promulgated sulfur dioxide implementation plan is APC–13, as approved by U.S. EPA on May 14, 1973 (38 FR 12698) and August 24, 1976 (41 FR 35676). These regulations require subject sources to achieve specific emission limitations and demonstrate compliance using test methods specified in 40 CFR Part 60. U.S. EPA has initiated a review of its policies and procedures for regulating sulfur dioxide emissions from coal-fired plants and has addressed the question of sulfur variability in that context. As part of this review, U.S. EPA has announced its intention to propose policy and regulatory changes which would permit states to analyze the air quality impact of variable sulfur emissions in their attainment demonstrations. Since changes to the rules and policies are required for the new evaluation technique, a final determination on its acceptability can only be made after public comments on the policies are reviewed and final decisions are published.

In the interim, while the sulfur variability issue is under review, the Agency will focus its enforcement resources on those plants which present the greatest environmental threat. While the State of Indiana is reevaluating the emission limitations in a manner consistent with U.S. EPA's proposed policy, U.S. EPA will give enforcement priority to those plants in Indiana which fail to meet the conditions which are listed below.

FOR FURTHER INFORMATION CONTACT: Louise C. Gross at (312) 886–6844.

SUPPLEMENTARY INFORMATION: The United States Environmental Protection Agency (U.S. EPA) is announcing a policy concerning enforcement of sulfur dioxide emission limitations contained in the State Implementation Plan for Indiana.

The promulgated sulfur dioxide implementation plan is APC–13, as approved by U.S. EPA on May 14, 1973 (38 FR 12698) and August 24, 1976 (41 FR 35676). These regulations require subject sources to achieve specific emission limitations and demonstrate compliance using test methods specified in 40 CFR Part 60. U.S. EPA has initiated a review of its policies and procedures for regulating sulfur dioxide emissions from coal-fired plants and has addressed the question of sulfur variability in that context. As part of this review, U.S. EPA has announced its intention to propose policy and regulatory changes which would permit states to analyze the air quality impact of variable sulfur emissions in their attainment demonstrations. Since changes to the rules and policies are required for the new evaluation technique, a final determination on its acceptability can only be made after public comments on the policies are reviewed and final decisions are published.

In the interim, while the sulfur variability issue is under review, the Agency will focus its enforcement resources on those plants which present the greatest environmental threat. While the State of Indiana is reevaluating the emission limitations in a manner consistent with U.S. EPA's proposed policy, U.S. EPA will give enforcement priority to those plants in Indiana which fail to meet the conditions which are listed below.

1. The facility is meeting the currently applicable, promulgated SO_2 emission limit applied as a 30-day rolling, weighted average.[1]

2. The facility obtains information on SO_2 emissions as follows and makes this information available to the State and U.S. EPA upon request:

a. Coal-fired facilities with greater than 1000 million BTU per hour of heat input capacity must conduct daily fuel sampling analysis for each boiler or install continuous SO_2 monitoring equipment.

b. Coal-fired facilities with greater than 100 million BTU per hour of heat input but less than 1000 million BTU per hour of heat input capacity perform monthly composite coal samples for each boiler.

c. Coal-fired facilities with less than 100 million BTU per hour of heat input capacity but greater than 10 million BTU

[1] Facility, as defined in this proposal, refers to the combined aggregate of all fossil fuel-fired sources under common ownership or operation within the plant boundaries. The 30-day period refers to 30 consecutive operating days.

per hour of heat input capacity, must obtain a monthly average coal analysis based on coal supplier analyses for all shipments received during the calendar month.

d. Coal-fired facilities with less than 10 million BTU per hour of heat input may obtain a monthly average coal analysis based on coal supplier analyses for all shipments received during the calendar month or utilize other appropriate procedures approved by the Indiana Air Pollution Control Division.

3. The facility must maintain records on the coal consumption for each boiler (daily for sources with a heat input capacity of 1000 million BTU or more, monthly for others). The facility must calculate its emission rates on an as-burned basis, in pounds of SO_2 per million BTU of heat input. These records should be retained for a minimum of two years. In addition, sources should submit quarterly reports to the State of Indiana in which the required daily or monthly fuel information is provided.

4. All coal sampling and analysis should be performed in conformance with 40 CFR Part 60, Appendix A, Method 19.

Whether sampling is done as a 30-day rolling weighted average, a monthly weighted composite or a vendor certification, the underlying policy will be to proceed with enforcement against any sources which exceed the SIP emission limitation on a 30-day rolling weighted average basis. Thus, U.S. EPA or the State of Indiana could do its own sampling to establish such a violation. It should also be emphasized that this policy is intended to serve solely as a screening process for the selection of the highest priority cases in need of Federal enforcement action. It does not modify the applicable State Implementation Plan limits for any source of sulfur dioxide emissions. Thus, any facility in violation of the policy's conditions would be subject to enforcement of the Plan as originally promulgated. Finally, this policy does not apply to facilities subject to emission limitations under the Clean Air Act's various new source requirements, e.g., the Federal rules for the Prevention of Significant Deterioration (40 CFR 52.21) or the New Source Performance Standards (40 CFR Part 60).

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this policy does not have a significant economic impact on a substantial number of small entities. The policy is merely an option for sources who wish to avail themselves of U.S. EPA's enforcement discretion priorities. The policy does not impose any additional requirements beyond those previously required by the SIP unless a source chooses to comply with the option.

The information collection requirements contained in this notice have been cleared by the Office of Management and Budget under the authority of the Paperwork Reduction Act.

Under Executive Order 12291, U.S. EPA must judge whether a regulation is "major" and therefore, subject to the requirement of a regulatory impact analysis. This determination is not "major" as defined by Executive Order 12291, because this action imposes no new requirements on any source. Any source may opt to continue compliance with the existing SIP requirements as approved.

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

Dated: September 24, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-37280 Filed 12-30-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-5-FRL 1998-4]

Designation of Areas for Air Quality Planning Purposes; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA announces the redesignation of Tippecanoe County, Indiana from unclassifiable to attainment for total suspended particulate (TSP). This change is based on nine recent, consecutive quarters of representative quality assured monitored data showing attainment of the TSP standards. This action will be effective on March 1, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

EFFECTIVE DATE: This final rulemaking is effective on March 1, 1982.

ADDRESSES: Copies of the redesignation request and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Susanne S. Karacki at 312-353-2211 before visiting the Region V Office).

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

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

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206

FOR FURTHER INFORMATION CONTACT: Susanne S. Karacki at 312-353-2211 or at the above Region V office.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of Section 107 of the Clean Air Act, EPA designated Tippecanoe County, Indiana unclassifiable for TSP. On August 20, 1981 the State petitioned EPA to revise the Tippecanoe County TSP designation from unclassifiable to attainment. Indiana's redesignation request was not accompanied by the correlated promulgation of changes in the Indiana Air Pollution Control Board Regulation 325 IAC 1.1-3 which designates the attainment status of geographical areas in Indiana.

Tippecanoe County was originally designated unclassifiable by EPA because of uncertainty in the validity of the air quality monitoring data. To support the redesignation request from unclassifiable to attainment, Indiana submitted nine recent, consecutive quarters (April 1, 1979 through June 30, 1981) of quality assured monitored data collected at one monitor in Lafayette, Indiana. The monitored data show no violations of the TSP standards. To demonstrate the representativeness of the data, the State provided information to show that all of the industrial TSP emission sources, and thus the highest industrial TSP emissions, are located in the vicinity of the Lafayette monitor.

EPA has determined that Indiana's submittal meets the criteria for a redesignation to attainment. Accordingly, EPA is redesignating Tippecanoe County from unclassifiable to attainment for TSP.

Because EPA considers today's action as noncontroversial and routine, EPA is approving it without prior proposal. The public is advised that this action will be effective March 1, 1982. However, if notice is received within 30 days at the Region V office listed above that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will be published before the effective date. The notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached

rule will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It will impose no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it merely changes the air quality designation to attainment.

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

(Sec. 107, Clean Air Act, as amended (42 U.S.C. 7407))

Dated: December 24, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

Subpart C—Section 107 Attainment Status Designations

1. Section 81.315 is amended by removing all reference to Tippecanoe County under the TSP column as follows:

§ 81.315 Indiana.

INDIANA—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Indiana Counties:				
* * *	*	*	*	*
Sullivan County				
* * *				
Vanderburgh County				
* * *	*	*	*	*

[FR Doc. 81-37246 Filed 12-30-81; 8:45 am]

BILLING CODE 6560-38-M

41 CFR Part 15

[AAA-FRL-2015-8]

Cost Sharing Contracts

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Executive Order 12291 dated February 17, 1981, called upon all agencies to review regulations with the objective of reducing the regulatory burden, minimizing duplication and conflict, and ensuring well-reasoned regulations. As a part of the effort to reduce government regulatory requirements, the Office of Management and Budget rescinded Federal Management Circular 73-3, "Cost Sharing on Federal Research," on June 23, 1981. The Environmental Protection Agency had issued guidelines for cost sharing contracts based on the Circular. This final rule abolishes the EPA guidelines. This revised regulation will grant greater flexibility in deciding when contract cost should be shared by a proposer and the Government.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Environmental Protection Agency, Procurement and Contracts Management Division (PM-214), Attention: Edward Murphy, 401 M Street SW., Washington, D.C. 20460, (202) 755-6030.

(40 U.S.C. 471)

Dated: December 3, 1981.

John P. Horton,

Assistant Administrator for Administration.

1. The table of contents for 41 CFR Subpart 15-3.4 is revised as follows:

PART 15-3—PROCUREMENT BY NEGOTIATIONS

* * * * *

Subpart 15-3.4—Types of Contracts

Sec.

15-3.405 Cost reimbursement type contracts.
15-3.405-3 Cost sharing contracts.
15-3.405-3-50 Basic guidelines.
15-3.405-3-51 Unsolicited proposals.
15-3.408 Letter contract.

* * * * *

2. 41 CFR 15-3.405-3 is revised as follows:

§ 15-3.405-3 Cost sharing contract.

This section prescribes the conditions under which cost sharing contracts are to be used. As defined in the Federal procurement regulations, a cost sharing contract is a cost-reimbursement type contract under which the contractor receives no fee but is reimbursed only for an agreed portion of its allowable costs. However, the principles set forth in this section are considered to apply equally to fixed-price contracts where the contractor agrees, or is required by statute, to bear a portion of the cost of performance.

3. 41 CFR 15-3.405-3-50 is revised as follows:

§ 15-3.405-3-50 Basic guidelines.

Cost sharing with non-Federal organizations shall be encouraged where the parties have considerable mutual interest in the basic or applied research subject matter of the contract. This mutual interest can occur, for example, when it is probable that the contractor will receive significant future benefits from the research such as increased technical knowledge useful in future operations, additional technical or scientific expertise or training for its personnel, opportunity to benefit through patent rights, and the use of background knowledge in future production contracts.

4. 41 CFR 15-3.405-3-51 is revised as follows:

§ 15-3.405-3-51 Unsolicited proposals.

The Department of Housing and Urban Development-Independent Agencies Appropriation Act contains a requirement that none of the funds provided in the Act may be used for payment through grants or contracts to recipients that do not share in the cost of conducting research resulting from proposals that are not specifically solicited by the Government. Accordingly, contracts which result from unsolicited proposals shall provide for the contractor to bear a portion of the cost of performance. However, where there is no measurable gain to the performing organization, there is no mutuality of interest, and therefore, no means by which the extent of cost sharing may reflect a mutuality of interest.

§ 15-3.405-3-52 [Removed]

5. 41 CFR 15-3.405-3-52 is removed.

[FR Doc. 81-37108 Filed 12-30-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Determination of Reasonable Charges

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim final rule with a comment period.

SUMMARY: This final rule implements section 946 of the Omnibus Reconciliation Act of 1980 by amending our regulations concerning the payment of reasonable charges for services furnished under Part B of the Medicare program.

Section 946 specifies that payment for medical or other health care services will be determined on the basis of the customary and prevailing charge screens in effect at the time the services are furnished. (Current regulations provide that payment will be determined on the basis of the screens in effect at the time a claim is submitted or a request for payment is made.)

The statute also requires that, when services are furnished more than twelve months before the fee screen year (July 1–June 30) in which the claim is submitted, payment will be based on the customary and prevailing charge screens in effect for the fee screen year immediately preceding the one in which the claim is submitted. Thus, we will not go back further than the immediately preceding fee screen year to determine reasonable charges for claims filed after long delays.

EFFECTIVE DATE: Effective for bills submitted or requests for payment made on or after July 1, 1981.

Comment date: Although we are issuing this as a final rule for reasons stated in the Supplementary Information, we will consider any comments mailed by: March 1, 1982.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, D.C., or to Room 789, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPP–137–FC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave., S.W., Washington, D.C., 20201 on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202–245–7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, if as a result of comments we believe that changes are needed in these regulations, we will publish the changes in the **Federal Register** and respond to the comments in the preamble of that document.

FOR FURTHER INFORMATION CONTACT: Paul Riesel (301) 597–1843.

SUPPLEMENTARY INFORMATION: The Supplementary Medical Insurance program, Part B of Medicare, pays for a variety of medical and related health services, such as physicians' services, certain types of outpatient services, and medical supplies and equipment.

Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) provides that, where payment for services furnished under Part B is on a charge basis (as opposed to cost), the charge will be reasonable (and not higher than the charge applicable for a comparable service and under comparable circumstances to the policyholders and subscribers of the carrier). The statute further specifies that the carrier, in determining reasonable charges, shall take into consideration the customary charges for similar services generally made by the physician or other person furnishing the services, and the prevailing charges for similar services in the locality. The law provides that (1) The carrier's prevailing charge calculations for a fee screen year (July 1–June 30 of each year) may not exceed the 75th percentile of the customary charges made for services in the preceding calendar year (for example, the carrier's calculations of prevailing charges for the period July 1, 1980–June 30, 1981 are based on charges made for services during calendar year 1979), and (2) increases above fiscal year 1973 levels in prevailing charges for physicians' services can be recognized for Medicare reimbursement purposes only to the extent they are justified by economic index data. The economic index is calculated on the basis of changes in physicians' costs of practice and in general earnings levels, and is published in the **Federal Register** usually by July 1 of each year.

In order to receive reimbursement, the statute (section 1842(b)(3)(B)) requires beneficiaries or physicians and suppliers to submit an itemized bill, or some other written request for payment that is permitted under the regulations. Currently, payment is determined on the basis of the customary and prevailing charge screens in effect at the time the bill is submitted or the request for payment is made, not when the service was actually furnished. This situation can result in an inequity, because bills received by carriers after the charge levels are updated are paid at a higher rate than those submitted before the updating, even if the services in both instances were performed on the same day.

To reduce this inequity, section 946 of Pub. L. 96–499 (Omnibus Reconciliation Act of 1980) was enacted (see Congressional Record, p. S8247, June 26, 1980, regarding section 567 of S. 2885, for discussion of Congressional concern). This new provision amended section 1842(b)(3) to provide that payment for services furnished under Part B will be determined on the basis of customary and prevailing charge screens in effect at the time the service is actually furnished, rather than being based on the date of submittal of the bill or request for payment. The amendment also provides, however, that, if the service was furnished more than 12 months before the fee screen year in which the bill or request is submitted, payment will be made on the basis of the customary and prevailing charge screens in effect during the fee screen year that ended just before the fee screen year in which the bill or request for payment was submitted. For example, if a service is furnished on October 1, 1981, (during the July 1, 1981–June 30, 1982 fee screen year) but a bill is not submitted until August 1983 (during the fee screen year July 1983–June 1984), payment would be based on charge screens in effect during the period July 1, 1982–June 30, 1983, rather than when the service was furnished.

By enacting this legislation, the Congress has removed a financial incentive for beneficiaries, physicians and suppliers to delay filing claims, but also avoided unduly penalizing those who, for various reasons, submit claims much later than the date when the service was furnished.

We are revising the regulations at 42 CFR 405.501 and 405.504 to conform them to the requirements contained in the statutory amendments.

Waiver of Notice of Proposed Rulemaking

We are issuing these amendments to the regulations in final, rather than as proposed, because the statute is so

specific as to leave no room for discretion and because it provided an effective date of July 1, 1981. In view of the statutory requirements, we find that it would be impractical, unnecessary and contrary to the public interest to delay publication of final rules in order to allow a period of public comment. For these reasons, we find that good cause exists to waive proposed rulemaking procedures. For the same reasons, we find good cause to make the regulations effective July 1, 1981, rather than to provide the usual 30-day delayed effective date.

Executive Order 12291

Executive Order 12291, "Federal Regulation", issued February 19, 1981, requires Federal agencies to prepare a Regulatory Impact Analysis for any rule that "is likely to result" in an annual effect on the economy of $100 million or more (or meets certain other criteria). Actuarial estimates prepared in connection with the pending legislation indicate that there will be savings of $173 million in Fiscal Year 1981 and greater amounts (ranging from $226 million to $279 million) in subsequent years, through 1985. This impact exceeds the benchmark figure specified in the Executive Order, and therefore would normally require an impact analysis describing alternative policy proposals. Since section 946(c) of Pub. L. 96-499 provides that the amendment "shall become effective with respect to bills submitted or requests for payment made on or after July 1, 1981", the Office of Management and Budget has granted a waiver from the requirement to conduct a regulatory impact analysis.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires Federal agencies to prepare a Regulatory Flexibility Analysis for regulations which will have a "significant economic impact on a substantial number of small entities". For the reasons given in the Executive Order certification, we certify that a Regulatory Flexibility Analysis is not required. In addition, even if these impacts were the result of this regulation, we do not have any discretion in implementing the provisions of the statute, and the overall impact will be spread over approximately 300,000 providers.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

42 CFR Part 405, Subpart E is amended as follows:

1. The authority citation for Part 405, Subpart E reads as follows:

Authority: Sections 1102, 1814(b), 1833(a), 1842(b), and 1871, 49 Stat. 647, as amended, 79 Stat. 296; 79 Stat. 302, 79 Stat. 310, 79 Stat. 331; 42 U.S.C. 1302, 1395f(b), 1395l(a), 1395u(b), and 1395hh.

2. 42 CFR 405.501 is revised to read as follows:

§ 405.501 Determination of reasonable charges.

(a) Except as specified in paragraph (b) of this section, Medicare pays no more for Part B medical and other health services than the "reasonable charge" for such service. The reasonable charge is determined by the carriers (subject to any deductible and coinsurance amounts as specified in § 405.240 and § 405.245).

(b) Part B of Medicare pays on the basis of "reasonable cost" (see Subpart D of this part) for certain institutional services, certain services furnished under arrangements with institutions, and services furnished by entities that elect to be paid on a cost basis (including health maintenance organizations, rural health clinics, and end-stage renal disease facilities).

(c) Carriers will determine the reasonable charge on the basis of the criteria specified in § 405.502, and the customary and prevailing charge screens in effect when the service was furnished. (Also see §§ 405.480 through 405.488, which pertains to determination of reimbursement for services performed by hospital-based physicians.) However, when services are furnished more than 12 months before the beginning of the fee screen year (July 1 through June 30) in which a request for payment is made, payment will be based on the customary and prevailing charge screens in effect for the fee screen year that ends just before the fee screen year in which the claim or request for payment is made.

3. In § 405.504, paragraph (a)(2) is revised to read as follows:

§ 405.504 Determining prevailing charges.

(a) Range of charges.

* * * * *

(2) No charge for Part B medical or other health services may be considered to be reasonable if it exceeds the higher of:

(i) The prevailing charge for similar services in the same locality in effect on December 31, 1970, provided such prevailing charge had been found acceptable by HCFA; or

(ii) The prevailing charge that, on the basis of statistical data and methodology acceptable to HCFA, would cover:

(A) 75 percent of the customary charges made for similar services in the same locality during the calendar year preceding the fee screen year (July 1 through June 30) in which the service was furnished; or (B) In the case of services furnished more than 12 months before the beginning of the fee screen year in which the claim or request for payment is submitted, 75 percent of the customary charges made for similar services in the same locality during the calendar year preceding the fee screen year that ends just before the fee screen year in which the claim or request for payment is submitted.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: October 3, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: December 14, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-37240 Filed 12-30-81; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 151

[GGD 80-001]

Unmanned Barges Carrying Certain Bulk Dangerous Cargoes

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: In the interest of safety, the Coast Guard reviews all chemicals proposed for bulk shipment by water. All cargoes classified as dangerous are regulated. Since the original regulations were written, many cargoes have been accepted for bulk carriage under interim guidelines. This final rule updates Part 151 and incorporates modifications resulting from receiving additional information, experience, and public comments.

EFFECTIVE DATES: February 1, 1982. To alleviate hardship in those cases where more stringent carriage requirements are being imposed, the effective date is December 31, 1982 to permit a gradual phasing-in of the more stringent requirements.

FOR FURTHER INFORMATION CONTACT: Joseph J. Jakabcin, Office of Merchant Marine Safety (G-MHM-3), Room 1402, U.S. Coast Guard Headquarters, 2100

Second Street SW, Washington, D.C. 20593, (202–426–6260).

SUPPLEMENTARY INFORMATION: On July 3, 1980 (45 FR 45327), the Coast Guard published a notice of proposed rulemaking. Interested persons were given a deadline of August 18, 1980 for submission of written comments. A public hearing was to be scheduled if requested by anyone raising a genuine issue. No request for a public hearing has been received. However, we received three requests for an extension of the comment deadline. An extension until September 19, 1980 was granted on August 25, 1980 (45 FR 56376). Approximately thirty comments were submitted.

Two comments recommended that no changes be made in the minimum requirements. As discussed below in the explanation of individual changes, some changes are necessary.

Another comment suggests that Creosote, Perchloroethylene and Trichloroethylene should not be in Subchapter O. We base every classification on all the information available to us at the time of classification. However, if subsequent evidence indicates that a change is in order, such a change is made. Creosote, for example, is more toxic than realized when initially classified under Subchapter D. Creosote, already in Subchapter O for self-propelled vessels, 46 CFR Part 153, can produce severe neurological disturbances. Considerable evidence has been gathered by the U.S. Department of Health and Human Services and the Department of Labor indicating that both Perchloroethylene and Trichloroethylene are toxic and potential carcinogens. Therefore, these three chemicals have the same minimum requirements in this final rule as were given in the proposed rule.

The special requirements for Ethylidene Norbornene were inadvertently expanded to § 151.50–5; this is being corrected to § 151.50–5(g) and (h) by modifying 151.50–74.

Another comment indicates the need for a higher level of venting and gauging requirements for suspected carcinogens. We agree. Unfortunately, another legal document will be required since the indicated cargoes, except for Benzene Mixtures, are not included in this final rule. The gauging for Benzene Mixtures is being changed to restricted. The change to restricted gauging for Benzene itself will be made in the near future.

Several comments concern the original entry of Benzene-Hydrocarbon Mixtures (containing acetylenes). For purposes of clarification, this appears as two entries in the final rule: Benzene-Hydrocarbon Mixture and Benzene-Hydrocarbon Mixtures (containing acetylenes); and a new entry is added, as requested, of Benzene, Toluene, Xylene Mixtures.

One comment suggests that since Hexamethylenediamine is normally shipped with 10–15 percent water this fact should be reflected in the regulations. Accordingly, this cargo, as used in Chapter VI of IMCO, will be shown as Hexamethylenediamine Solutions.

Another comment recommends the addition of Propylene Dichloride. It should be noted that this cargo already appears in 46 CFR 151.05 as Dichloroprpane. The inclusion of other cargoes was recommended. Unfortunately, additional data are required for proper classification of the cargoes recommended. Minimum carriage requirements will be established for any cargo not already in 46 CFR 151.05 upon request with the submission of a completed CG–4355 form for that cargo. The CG–4355 form is entitled Characteristics of Liquid Chemicals Proposed for Bulk Water Shipment.

Relative to the proposed electrical hazard group of I–B for Spent Hydrochloric Acid, one comment states that there is definitely no need for electrical equipment on or above deck to be explosion proof. We agree. The group B requirement for Spent Hydrochloric Acid is rescinded pending comprehensive addressing of electrical requirements in a forthcoming rule-making. Meanwhile, however, the title for the electrical hazard column in Table 151.05 is being corrected when necessary from ELECT HAZARD GROUP CLASS to ELECT HAZARD CLASS GROUP.

In the Hydrochloric Acid, Spent (10% or less), one comment recommends an increase to 15 percent. A review of evidence provided reveals no chemical objection. Therefore, the recommendation is being adopted to increase the limitation to "(15% or less)."

One comment suggests the requirement for protection clothing under Cresylate Spent Caustic be limited to the immediate area of the transfer equipment. The suggestion is considered reasonable and is therefore incorporated.

Methyl-tertiary-Butyl Ether has been deleted, based on a reevaluation, and has been assigned to Subchapter D, 46 CFR 30–40 (45 FR 52386).

Section 151.50–72 was inadvertently omitted from the proposed rule and is therefore added in the final rule.

The following changes in the proposed rule appear in the final rule:

1. An entry of Benzene-Hydrocarbon Mixtures (having 10 percent benzene or more) is added to Tables 151.01–10(b) and 151.05.

2. In Table 151.05, the gauging requirements for Benzene-Hydrocarbon Mixtures (containing acetylenes) is restricted instead of open; (having 10 percent benzene or more) is added after Benzene-Hydrocarbon Mixtures (containing acetylenes). Table 151.01.10(b) is modified accordingly.

3. An entry of Benzene, Toluene, Xylene Mixtures (having 10 percent benzene or more) is added to Tables 151.01–10(b) and 151.05.

4. In the entry of Butadiene, Butene Mixture (inhibited) (containing acetylene) a correction is made in the Special Requirement Section.

5. The concentration of Hydrochloric Acid, Spent (10 percent or less) is increased to (15 percent or less).

6. The electrical hazard group is deleted for the following: Hydrochloric Acid, Spent (15 percent or less); Hydrofluorosilicic Acid (25 percent or less); and Nitric Acid (70 percent or less).

7. Methyl-tertiary-Butyl Ether is deleted.

8. Polyethyleneamine is changed to Polyethylenepolyamine.

9. The concentration of Sodium Chlorate Solution is increased from 45 percent to 50 percent.

10. Part 151.50–72 is added.

11. Part 151.50–73 is modified.

12. Part 151.50–74 is modified.

13. In 151.50–76, 10 percent is changed to 15 percent.

Several changes are made to correct errors of no substantive effect.

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). Although section 605(b) of the regulatory Flexibility Act (94 Stat. 1164) does not apply because the NPRM was published before January 1, 1981, these rules have been reviewed and it has been determined that they will not have a significant economic impact on a substantial number of small entities.

This final rule has been evaluated in accordance with DOT "Regulatory Policies and Procedures," 44 FR 11033 (February 26, 1979), as amended by 44 FR 28126 (May 14, 1979). A copy of the final evaluation may be obtained from the Commandant (G–CMC), Room 2418,

U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593; telephone (202) 426–1477.

In consideration of the foregoing, the proposed amendments in the **Federal Register** of July 3, 1980 (45 FR 45327) are adopted with some modifications as set forth below.

December 9, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, Coast Guard, Chief, Office of Merchant Marine Safety.

PART 151—UNMANNED BARGES, CARRYING CERTAIN BULK DANGEROUS CARGOES

1. By revising Table 151.01–10(b) to read as follows:

§ 151.01–10 Application of vessel inspection regulations.

* * * * *

Table 151.01–10(b)—Cargoes Regulated by Subchapter O

Acetaldehyde.
Acetic Acid.
Acetic anhydride.
Acetone cyanohydrin.
Acetonitrile.
Acrylonitrile. Adiponitrile.
Allyl alcohol.
Allyl chloride.
Aminoethylethanolamine.
Ammonia, anhydrous.
Ammonium hydroxide (NH_3, 28% or less).
Aniline.
Benzene.
Benzene-Hydrocarbon mixtures (having 10% benzene or more).
Benzene-Hydrocarbon mixtures (containing acetylenes) (having 10% benzene or more).
Butadiene (inhibited).
Benzene, Toluene, Xylene mixture (having 10% benzene or more).
Butadiene, Butene mixtures (inhibited) (containing acetylenes).
Butyl acrylate (n-).
Butyl acrylate (iso-).
Butylamine.
Butymethacrylate (inhibited).
Butyraldehyde (crude).
Butyraldehyde (n-).
Butyraldehyde (iso-).
Camphor oil.
Carbolic oil.
Carbon dioxide (liquid).
Carbon disulfide.
Carbon tetrachloride.
Caustic potash solution.
Caustic soda solution.
Chemical wastes (mixture of chlorinated hydrocarbons and caustic materials).
Chlorine.
Chlorobenzene.
Chloroform.
Chlorohydrins (crude).
Chlorosulfonic acid.
Creosote.
Cresols.
Cresylate spent caustic.
Crotonaldehyde.
Diisopropanolamine.
Decyl acrylate (iso-) (inhibited).
Dichlorodifluoromethane.
2,2'-Dichloroethyl ether.
Dichloromethane.
Dichloropropane.
Dichloropropene.
Diethanolamine.
Diethylamine.
Diethylenetriamine.
Diisobutylamine.
Diisopropanolamine.
Diisopropylamine.
Dimethylamine.
Dimethylformamide.
Di-n-propylamine.
1,4-Doxane.
Epichlorohydrin.
Ethylacrylate.
Ethylamine (72% or less).
Ethyl chloride.
Ethyl cyclohexylamine.
Ethylene cyanohydrin.
Ethylenediamine.
Ethylene dibromide.
Ethylene dichloride.
Ethylene oxide
Ethyl ether.
2-Ethyl hexyl acrylate (inhibited).
Ethylidene norbornene (inhibited).
Ethyl n-butylamine.
2-Ethyl-3-propylacrolein.
Ferric chloride solutions.
Formaldehyde solution.
Formic acid.
Furfural.
Hexamethylenediamine solutions.
Hydrochloric acid.
Hydrochloric acid, spent (15% or less).
Hydrofluorosilicic acid (25 % or less).
Hydrogen chloride.
Hydrogen fluoride.
2-Hydroxyethyl acrylate (inhibited).
Industrial wastes (containing Dimethyldisulfide, Methyl mercaptan, and Methomyl).
Isoprene.
Methylacetylene-Propadiene mixture.
Methyacrylate.
Methylbromide.
Methylchloride.
2-Methyl-5-ethyl pyridine.
Methylmethacrylate.
2-Methyl pyridine.
alpha-Methyl styrene (inhibited).
Monochlorodifluoromethane.
Monoethanolamine.
Monoisopropanolamine.
Morpholine.
Motor fuel antiknock compounds (containing lead alkyls).
Nitric acid (70% or less).
Nitrobenzene.
1- or 2-Nitropropane.
Oleum.
1,3-Pentadiene (inhibited).
Perchloroethylene.
Phenol.
Phosphoric acid.
Phosphorus.
Phthalic anhydride.
Polyethylene polyamine.
Polymethylene-polyphenyl-isocyanate.
Polyvinylbenzyltrimethyl ammonium chloride solution.
Propionic acid.
Propylamine-(iso-).
Propylene oxide.
Pyridine.
Sodium chlorate solution (50% or less).
Sodium Sulfide, Hydrosulfide solutions (H_2S 15 ppm or less).
Sodium sulfide, Hydrosulfide solutions (H_2S greater than 15 ppm but less than 200 ppm).
Sodium sulfide, Hydrosulfide solutions (H_2S greater than 200 ppm).
Styrene.
Sulfur (liquid).
Sulfur dioxide.
Sulfuric acid.
Sulfuric acid spent.
Tetraethylene pentamine.
Toluene diisocyanate.
Trichloroethylene.
1,2,3-Trichloropropane.
Triethanolamine.
Triethylenetetramine.
Triisopropanolamine.
Triethylamine.
Vinyl acetate.
Vinyl chloride.
Vinylidene chloride (inhibited).

§§ 151.05–1 [Amended]

2. By adding the following items in alphabetical order to table 151.05–1:

TABLE 151.05.—Summary of Minimum Requirements

Cargo identification name	Pressure	Temp	Hull type	Cargo segregation tank	Tanks			Cargo transfer		Environmental control		Fire protection required	Special req. section	Elect hazard class group	Temp. control install	Tank internal inspec.
					Type	Vent	Gaging	Piping class	Control	Cargo tanks	Cargo handling space					
Benzene-Hydrocarbon Mixtures (containing acetylenes) (having 10 pct benzene or more).	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.50-71	I-D	NA	G.
Benzene-Hydrocarbon Mixtures (having 10 pct benzene or more).	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	No	I-D	NA	G.
Benzene, Toluene, Xylene Mixtures (having 10 pct benzene or more).	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	No	I-D	NA	G.
Butadiene, Butene Mixtures (inhibited) (containing acetylenes).	Press	Amb	II	1 NA 2i	Indep Press	SR	Restr	II	P-1	NR	Vent F	Yes	151.50-72	I-B	NA	8 Yr.
Butylamine	Atmos	Amb	II	1i 2i	Indep Grav	PV	Closed	II	G-1	NR	Vent F	Yes	151.55 1(c)	I-D	NA	G.
Butylmethacrylate (inhibited)	Atmos	Amb	III	2i	Grav	PV	Restr	II	G-1	NR	Vent F	Yes	No	I-D	NA	G.
Butyraldehydes (crude)	Atmos	Amb	III	1i 2i	Integ Grav	PV	Open	II	G-1	NR	Vent F	Yes	No	I-C	NA	G.
Carbon Dioxide, liquid	Press	Low	II	1 NA 2i	Indep Press	SR	Restr	I-L	P-1	NR	Vent F	No	151.50-30	NA	151.40-1(b)(1)	G.
Chemical Wastes (mixture of chlorinated hydrocarbons and caustic materials).	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	No	No	NA	NA	G.
Creosote	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	Yes	No	NA	NA	G.
Cresylate Spent Caustic	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	No	151.50-73	NA	NA	G.
Iso-Decyl Acrylate (inhibited)	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	Yes	151.55 1(c)	NA	NA	G.
2,2'-Dichloroethyl Ether	Atmos	Amb	II	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(f)	I-D	NA	G.
Dichloromethane	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	No	No	NA	NA	G.
Diethylamine	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(c)	I-C	NA	G.
Diisobutylamine	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(c)	I-C	NA	G.
Diisopropylamine	Atmos	Amb	II	1i 2i	Integ Grav	PV	Closed	II	G-1	NR	Vent F	Yes	151.55 1(c)	I-C	NA	G.
Dimethylformamide	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(e)	I-D	NA	G.
1,4-Dioxane	Atmos	Amb	II	1i 2i	Integ Grav	PV	Closed	II	G-1	Inerted	Vent F	Yes	No	I-C	NA	G.
Di-n-propylamine	Atmos	Amb	II	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(c)	I-C	NA	G.
Ethylamine (72 pct or less)	Atmos	Amb	II	1i 2i	Integ Grav	PV	Closed	II	G-1	NR	Vent F	Yes	151.55 1(b)	I-D	NA	G.
Ethyl Cyclohexylamine	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(b)	I-C	NA	G.
Ethylene Dibromide	Atmos	Amb	II	1i 2i	Integ Grav	PV	Closed	II	G-1	NR	Vent F	No	No	NA	NA	G.
2-Ethyl Hexyl Acrylate (inhibited)	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	Yes	No	NA	NA	G.
Ethylidene Norbornene (inhibited)	Atmos	Amb	II	1i 2i	Integ Grav	PV	Closed	II	G-1	NR	Vent F	Yes	151.50-74	I-C	NA	G.
Ethyl n-Butylamine	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(b)	I-C	NA	G.
Ferric Chloride Solutions	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	No	151.50-75	I-B	NA	4 yr.
Hexamethylenediamine Solutions	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55 1(c)	I-D	NA	G.
Hydrochloric Acid, Spent (15 pct or less)	Atmos	Amb	III	1i 2i	Indep Grav	Open	Open	II	G-1	NR	Vent F	No	151.50-76	I-	NA	4 yr.
Hydrofluorosilicic Acid (25 pct or less)	Atmos	Amb	III	1i 2i	Indep Grav	PV	Closed	II	G-1	NR	Vent F	No	151.50-77	I-	NA	4 yr.
2-Hydroxyethyl Acrylate (inhibited)	Atmos	Amb	I	1i 2i	Integ Grav	PV	Closed	I	G-1	NR	Vent F	Yes	151.50-5	NA	NA	G.

TABLE 151.05.—Summary of Minimum Requirements—Continued

Cargo identification name	Pressure	Temp	Hull type	Cargo segregation tank	Tanks			Cargo transfer		Environmental control		Fire protection required	Special req. section	Elect hazard class group	Temp. control install	Tank internal inspec.
					Type	Vent	Gaging	Piping class	Control	Cargo tanks	Cargo handling space					
Industrial Wastes containing Dimethyldisulfide, Methyl Mercaptan, and Methomyl	Atmos	Amb	II	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.50-79	I-D	NA	G.
Methylacetylene Propadiene mixture	Press	Amb	III	1 NA 2i	Indep Press	SR	Restr	II	P-2	NR	Vent F	Yes	151.50-79	I-D	NA	G.
2-Methyl Pyridine	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55-1(c)	I-D	No	G.
2-Methyl-5-Ethyl Pyridine	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	Yes	151.55-1(e)	NA	NA	G.
alpha-Methyl Styrene (inhibited)	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	No	I-D	NA	G.
Nitric Acid (70 pct or less)	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	No	151.50-80	I-	NA	4 yr.
Nitrobenzene	Atmos	Amb	I	1i 2i	Integ Grav	PV	Closed	I	G-1	NR	Vent F	Yes	151.50-5	I-D	NA	G.
1- or 2-Nitropropane	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.500-81	I-C	NA	G.
1,3-Pentadiene (inhibited)	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	No	I-D	NA	G.
Perchloroethylene	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	No	No	NA	NA	G.
Phthalic Anhydride	Atmos	Elev	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	No	NA	NA	G.
Polyethlenepolyamine	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	Yes	151.55 1(e)	NA	NA	G.
Polymethylene-polyphenyl-Isocyanate	Atmos	Amb	II	1i 2i	Integ Grav	PV	Closed	II	G-1	*	Vent F	Yes	151.55-1(e)	NA	NA	G.
Polyvinylbenzyltrimethly Ammonium Cholride Solution	Atmos	Amb	II	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	No	151.50-82	NA	NA	G.
Iso-Propylamine	Atmos	Amb	II	1i 2i	Integ Grav	PV	Closed	II	G-1	NR	Vent F	Yes	151.55-1(c)	I-D	NA	G.
Pyridine	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55-1(e)	I-D	NA	G.
Sodium Chlorate Solution (50 pct or less)	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	No	No	NR	NR	G.
Sodium Sulfide, Hydrosulfide Solutions (H_2S 15ppm or less)	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	No	151.50-83	NA	NA	G.
Sodium Sulfide, Hydrosulfide Solutions (H_2S greater than 15ppm but less than 200ppm)	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	No	151.50-83	NA	NA	G.
Sodium Sulfide, Hydrosulfide Solutions (H_2S greater than 200ppm)	Atmos	Amb	II	1i 2i	Integ Grav	PV	Closed	II	G-1	NR	Vent F	No	151.50-83	NA	NA	G.
Sulfur Dioxide	Press	Amb	I	1 NA 2i	Indep Press	SR	Closed	I	P-2	NR	Vent F	No	151.50-84	NA	NA	2 yr.
Tetraethylene Pentamine	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	Yes	151.55-1(c)	NA	NA	G.
Toluene Diisocynate	Atmos	Amb	I	1i 2i	Integ Grav	PV	Closed	I	G-1	*	Vent F	Yes	151.50-5 151.55-1(e)	NA	NA	G.
Trichloroethylene	Atmos	Amb	III	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	No	No	I-D	NA	G.
1,2,3-Trichloropropane	Atmos	Amb	II	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.50-85	NA	NA	G.
Triisopropanolamine	Atmos	Amb	III	1i 2i	Integ Grav	Open	Open	II	G-1	NR	Vent N	Yes	151.55-1(c)	NA	NA	G.
Triethylamine	Atmos	Amb	II	1i 2i	Integ Grav	PV	Restr	II	G-1	NR	Vent F	Yes	151.55-1(e)	I-C	NA	G.

§ 151.05 [Amended]

3. By inserting in the footnotes of Table 151.05–1 between "Gauging devices" and "General usage":

* Padded with dry nitrogen (100 ppm or less of water)

§ 151.50–20 [Amended]

4. By inserting the following in § 151.50–20(b)(1) between Hydrochloric Acid and Phosphoric Acid: Hydrofluorosilicic Acid—50 pounds per square inch gage.

5. By adding the following new sections to Subpart 151.50 after § 151.50–65:

§ 151.50–71 Benzene-hydrocarbon mixtures (containing acetylenes).

(a) Copper, silver, mercury, or other acetylide forming metals and their alloys must not be used as materials of construction for tanks, pipelines, valves, fittings, and other items of equipment that may come in contact with the cargo liquid or vapor.

§ 151.50–72 Butadiene, Butene mixture (inhibited).

When Table 151.05 refers to this section, the following requirements must be met:

(a) 151.50–30

(b) 151.50–71(a)

§ 151.50–73 Cresylate spent caustic.

Protective clothing (eye goggles, gloves, apron, and boots) must be worn in the vicinity of the cargo transfer equipment during cargo transfer and tank gauging operations.

§ 151.50–74 Ethylidene norbornene (inhibited).

When Table 151.05 refers to this section, the following apply:

(a) 151.50–5 (g) and (h)

(b) Rubber hoses or fittings may not be used in transfer operations.

§ 151.50–75 Ferric chloride solution.

(a) A containment system (cargo tank piping system, venting system, and gauging system) carrying this solution must be lined with rubber, corrosion resistant plastic, or a material approved by the Commandant (G–MHM).

(b) Protective clothing must be worn during cargo transfer and tank gauging operation.

§ 151.50–76 Hydrochloric acid, spent (NTE 15%).

(a) (1) Gravity type cargo tanks must be designed and tested to meet the rules of the American Bureau of Shipping for a head of water at least 8 feet above the tank top or the highest level the lading may rise, whichever is greater. The plate thickness of any part of the tank may not be less than three-eighths inch. A shell plating of a barge may not be on the boundary of any part of the cargo tank.

(2) Gravity tank vents must—

(i) Terminate above the weatherdeck, clear of all obstructions and away from any from any source of ignition; and

(ii) Be fitted with a single flame screen or two fitted flame screens as described in § 151.03–25. Neither a shut-off valve nor a frangible disk may be fitted in the vent lines.

(b) Openings in the tanks are prohibited below deck, except for access openings used for inspection and maintenance of tanks, or unless otherwise specifically approved by the Commandant (G–MHM). Openings must be fitted with bolted cover plates and acid-resistant gaskets.

(c) Where special arrangements are approved by the Commandant (G–MHM) to permit a pump suction to be led from the bottom of the tank, the filling and discharge lines must be fitted with shutoff valves located above the weatherdeck or operable from it.

(d) The outage may not be less than 1 percent.

(e) An enclosed compartment containing, or a compartment adjacent to, a cargo tank—

(1) May have no electrical equipment that does not meet or exceed class I–B electrical requirements; and

(2) Must have at least one gooseneck vent of 2.5 inch diameter or greater. The structural arrangement of the compartment must provide for the free passage of air and gases to the vent or vents.

(f) No lights may be used during the cargo transfer operations, except installed electric or portable battery lights. Smoking is prohibited and the person in charge of cargo transfer shall ensure that "No Smoking" signs are displayed during cargo transfer operations.

(g) Tanks approved for the transportation of acid cargoes subject to this section may not be used for the transportation of any other commodity, except upon authorization by the Commandant (MHM).

(h) Each cargo tank must be examined internally at least once in every 4 years. If the lining of the cargo tank has deteriorated in service or is not in place, the Marine Inspector may require the tank to be tested by such nondestructive means as he may consider necessary to determine its condition.

§ 151.50–77 Hydrofluorosilicic acid (25% or less).

(a) Hydrofluorosilicic acid must be carried in gravity or pressure type cargo tanks independent of the vessel's structure. The tanks must be lined with rubber or other equally suitable material approved by the Commandant (G–MHM). See § 151.15–3(f)(2).

(b) Notwithstanding the provisions of § 151.50–20(b)(3), no compressed air may be used to discharge hydrofluorosilicic acid from gravity type cargo tanks unless—

(1) The tanks are of cylindrical shape with dished heads, and

(2) The air pressure does not exceed—

(i) The design pressure of the tank, and

(ii) 10 pounds per square inch gage.

The tanks must be fitted with pressure relief devices.

(c) During cargo tansfer, a water hose must be connected to a water supply and be ready for immediate use. Any leakage or spillage of acid must be immediately washed down. This requirement can be met by facilities provided from shore.

§ 151.50–78 Industrial wastes (containing dimethyldisulfide, methyl mercaptan, and methomyl).

(a) Protective clothing must be worn during cargo transfer and tank gauging operations.

§ 151.50–79 Methyl acetylene-propadiene mixture.

(a) The composition of the methyl acetylene-propadiene mixture at loading must be within one of the following sets of composition limits:

(1) Composition 1 is—

(i) Maximum methyl acetylene to propadiene molar ratio of 3 to 1;

(ii) Maximum combined concentration of methyl acetylene and propadiene of 65 mole percent;

(ii) Minimum combined concentration of propane, butane, and isobutane of 24 mole percent, of which at least one-third (on a molar basis) must be butanes and one-third propane; and

(iv) Maximum combined concentration of propylene and butadiene of 10 mole percent.

(2) Composition 2 is—

(i) Maximum methyl acetylene and propadiene combined concentration of 30 mole percent;

(ii) Maximum methyl acetylene concentration of 20 mole percent;

(iii) Maximum propadiene concentration of 20 mole percent;

(iv) Maximum propylene concentration of 45 mole percent;

(v) Maximum butadiene and butylenes combined concentration of 2 mole percent;

(vi) Minimum saturated C_4 hydrocarbon concentration of 4 mole percent; and

(vii) Minimum propane concentration of 25 mole percent.

(b) A barge carrying a methyl acetylene-propadiene mixture must have a refrigeration system that does not compress the cargo vapor or have a refrigeration system with the following features:

(1) A vapor compressor that does not raise the temperature and pressure of the vapor above 60°C (140°F) and 1.72 MPa guage (250 psig) during its operations, and that does not allow vapor to stagnate in the compressor while it continues to run.

(2) At the discharge piping from each compressor stage or each cylinder in the same stage of a reciprocating compressor—

(i) Two temperature actuated shutdown switches set to operate at 60°C (140°F) or less;

(ii) A pressure actuated shutdown switch set to operate at 1.72 MPa gauge (250 psig) or less; and

(iii) A safety relief valve set to relieve at 1.77 MPa gauge (256 psig) or less anywhere except into the compressor suction line.

(c) The piping system, including the cargo refrigeration system, for tanks to be loaded with methyl acetylene-propadiene mixture must be completely separate from piping and refrigeration systems for other tanks. If the piping system for the tanks to be loaded with methyl acetylene-propadiene mixture is not independent, the required piping separation must be accomplished by the removal of spool pieces, valves or other pipe sections and the installation of blank flanges at these locations. The required separation applies to all liquid and vapor piping, liquid and vapor vent lines and any other possible connections, such as common inert gas supply lines.

§ 151.50-80 Nitric acid (70% or less).

(a) Tanks, cargo piping, valves, fittings, and flanges (where exposed to the acid) must be lined with nitric acid resistant rubber or fabricated from nitric acid resistant stainless steel.

(b) During cargo transfer, a water hose must be connected to a water supply, ready for immediate use. Any leakage or spillage of acid must be immediately washed down. This requirement can be met by facilities provided from shore.

(c) Nitric acid contaminated by other chemicals, oils, solvents, etc. may not be transported in bulk without an authorization from the Commandant (G-MHM).

§ 151.50-81 1- or 2-Nitropropane.

(a) Must not be carried in a tank equipped with heating coils unless the heating supply to the coils is disconnected.

(b) Must not be carried in a tank adjacent to another tank containing an elevated temperature cargo.

(c) Must not be carried in a deck tank.

§ 151.50-82 Polyvinylbenzyltrimethyl ammonium chloride solution.

(a) Persons involved with cargo transfer operations shall wear protective clothing.

§ 151.50-83 Sodium sulfide, hydrosulfide solutions.

(a) Protective clothing must be worn during cargo transfer operations.

§ 151.50-84 Sulfur dioxide.

(a) Sulfur dioxide that is transported under the provisions of this part may not contain more than 100 ppm of water.

(b) Cargo piping must be at least Schedule 40 pipe.

(c) Flanges must be 150 lb. A.N.S.I. Standard minimum with tongue and groove or raised face.

(d) A cargo tank must—

(1) Meet the requirements of a Class I welded pressure vessel;

(2) Be designed for a maximum allowable working pressure of at least 125 psig;

(3) Be hydrostatically tested every two years to at least 188 psig;

(4) Be provided with one or more manholes that are fitted with a cover sized not less than 15 inches by 23 inches or 13 inches nominal diameter, located above the maximum liquid level, and as close as possible to the top of the tank;

(5) Have no openings other than those required in paragraph (d)(4) of this section;

(6) Have no liquid level gauges other than closed or indirect gauges;

(7) Have all valves and the closed gauge that is required by Table 151.05 bolted to the cover or covers that are required in paragraph (d)(4) of this section;

(8) Have a metal housing that is fitted with a drain and vent connection protecting all valves and the closed gauge within this housing against mechanical damage;

(9) Have all safety relief valves discharging into the protective housing;

(10) Not be interconnected with another cargo tank by piping or manifold that carriers cargo liquid, except vapor lines connected to a common header, and

(11) Have an excess flow valve that is located on the inside of the tank for every liquid and vapor connection, except the safety relief valve;

(12) Have no bypss opening on any excess flow valve.

(e) Cargo transfer operations—

(1) May not be conducted with more than one cargo tank at a time unles each tank is filled from or discharged to shore tanks through separate lines;

(2) Must be conducted with connections between fixed barge piping and shore piping of either Schedule 40 pipe having flexible metallic joints that meet § 151.04-5(h) or of flexible metallic hose that is acceptable to the Commandant (G-MHM);

(3) From barge to shore must be by pressurization with an oil free, non-reactive gas that has a maximum of 100 ppm moisture;

(4) Must be conducted with vapor return to shore connections that ensure that all vapor is returned to shore; and

(5) Must be conducted with every person on the barge carrying a respiratory protective device that protects the wearer against sulfur dioxide vapors and provides respiratory protection for emergency escape from a contaminated area that results from cargo leakage.

(f) Respiratory protective equipment must be of a size and weight that allows unrestricted movement and wearing of a lifesaving device.

(g) After the completion of cargo transfer, all liquid sulfur dioxide in the cargo piping must be removed and cargo transfer piping must be disconnected at the cargo tanks. After the cargo piping is disconnected, both ends of the line must be plugged or fitted with blind flanges.

§ 151.50-85 1,2,3-Trichloropropane.

(a) Aluminum may not be used as a material of construction for tanks, pipelines, valves, fittings, and other items of equipment that may come in contact with the cargo liquid or vapor.

(b) Protective clothing (goggles, gloves, boots, and apron) must be worn by persons involvd in cargo transfer operations.

[46 U.S.C. 170, 379a; 49 CFR 1.46(n)(4) and (t)]

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46 CFR Parts 160 and 163

[CGD 74-140]

Vessel Equipment Specifications; Pilot Hoist, Pilot Ladder, and Chain Ladder

AGENCY: Coast Guard, DOT.

ACTION: Final rules.

SUMMARY: These regulations contain a new Coast Guard specification for pilot hoists and revised specifications for pilot ladders and chain ladders. The pilot ladder specification incorporates the standards for pilot ladders contained in the International Convention for the Safety of Life at Sea, 1974, which came into force on May 25, 1980. The pilot hoist specification incorporates standards for pilot hoists adopted by the Inter-Governmental Maritime Consultative Organization in 1973. The chain ladder specification includes modifications that will allow manufacturers more flexibility in designing equipment. The principal effect of these regulations will be to provide for greater safety and security of pilots and other persons who board vessels away from a dock.

DATES: (a) *Effective date:* These amendments become effective on February 1, 1982.

(b) *Closing date for comments:* As explained more fully below, comments on these rules may be submitted on or before March 31, 1982.

ADDRESSES: (a) Comments should be mailed to the Commandant (G–CMC/24) (CGD 74–140), U.S. Coast Guard, Washington, DC 20593. Between 7 a.m. and 5 p.m., Monday through Thursday (except holidays), comments may be delivered to, and are available for inspection and copying at the Marine Safety Council (G–CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second St., SW, Washington, DC.

(b) Copies of ASTM D 1435 which is incorporated by reference into Subpart 163.003, can be obtained from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103. It is also available for inspection at the Office of the Federal Register Information Center, Room 8301, 1100 L Street, NW, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markle, Office of Merchant Marine Safety (G–MMT–3/12), Department of Transportation, U.S. Coast Guard Headquarters, Washington, DC 20593, (202) 426–1444.

SUPPLEMENTARY INFORMATION: On July 23, 1979, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** that proposed a new pilot hoist approval specification and revised specifications for pilot ladders and chain ladders (44 FR 43016). The comment period was extended to October 22, 1979, in response to a request by the American Pilots' Association. Notice of the extension was published in the **Federal Register** of September 13, 1979 (44 FR 53184).

A total of 136 comments were received from 20 parties on the NPRM before the comment period closed on October 22, 1979. Commenters included pilots and pilot organizations, vessel operators, and equipment manufacturers. These comments are discussed in subsequent paragraphs.

The final rules contain various changes that have been made in response to comments and on the basis of further analysis of the proposed rules within the Coast Guard. Commenters who recommended changes generally provided sufficient supporting rationale for the Coast Guard to reach informed decisions on whether the changes are needed and workable. None of the changes will significantly increase the cost of equipment or approval testing, and they will provide a greater measure of safety to users of the equipment.

Although a public comment period has already been provided in this rule making, an additional opportunity for comment, principally on the changes made, is being provided to assure that the rules as revised represent workable and reasonable procedures and requirements. Accordingly, persons wishing to comment may do so by submitting comments to the address listed in the ADDRESSES section. Commenters should include their names and addresses, identify this rule making (CGD 74–140) and the specific section of the regulations to which their comments apply, and give reasons for the comments. Persons desiring acknowledgment of their comments should enclose a self-addressed post card or envelope. Based upon comments received, the regulations may be further revised or additional regulations may be issued. All comments received before the expiration of the comment period will be considered.

Some comments have not been specifically addressed in the discussion of comments that follows. These comments generally fall into one of the following categories:

(a) Comments that resulted in minor revisions or clarifications to the final rules.

(b) Comments that were not relevant to the proposed regulations.

(c) Comments that recommended addition of requirements already in the proposed regulations.

(d) Comments that apply to the installation, maintenance and inspection of pilot ladders, accommodation ladders, chain ladders and pilot hoists on vessels. The Coast Guard is currently preparing proposed regulations governing these matters, and the comments will be considered in that rule making. Its docket number is CGD 79–032.

(e) Comments making recommendations that would result in overregulation. (For example, some commenters recommended requiring features of a specific manufacturer's equipment that would accomplish a purpose already accomplished by other regulations in this rule making.)

(f) Comments that recommended changes without providing supporting reasons, and for which no sound reasons could otherwise be established.

Summary of Final Evaluation

A Final Evaluation has been prepared for these regulations in accordance with the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). That order requires that the evaluation quantify, to the maximum extent practicable, the estimated cost of the regulations to the private sector, consumers, and Federal, State and local governments, as well as the anticipated benefits and impact of the regulations.

This rule making is expected to result in an initial cost of about $165,750 to obtain approval of equipment, and a recurring annual cost of about $49,375 for production testing and increased equipment cost. These costs will be imposed directly on manufacturers of pilot hoists, pilot ladders, and chain ladders. The manufacturers, in all probability, will pass the costs through to the ultimate consumers of this equipment in the form of price increases.

There are seven pilot ladder and chain ladder manufacturers and eight known manufacturers of pilot hoists. Equipment approval cost per manufacturer of pilot ladders would be approximately $6,750, and approximately $17,590 for each pilot hoist manufacturer. Annual recurring costs per manufacturer would average between $2,000 and $2,500. No objections have been received in this rule making concerning the costs involved with the regulations and none of the regulations should hinder or restrict manufacturers in building equipment or obtaining certificates of approval.

The Coast Guard will administer the regulations within existing resources. Coast Guard inspectors are no longer performing the approval and production tests required for this equipment. A program to transfer this function to independent laboratories was established under a separate rule making published in the **Federal Register** on December 17, 1979 (44 FR 73038).

The primary benefit identified for this rule making is the increased safety for pilots and other users of the equipment.

The Final Evaluation has been included in the public docket for this rule making, and may be obtained from the Marine Safety Council at the address listed in the "ADDRESSES" section of this preamble.

On the basis of the information contained in the final evaluation, the Coast Guard has determined that these regulations are not major rules under Executive Order 12291 of February 17, 1981. Also, it is certified that these regulations will not have a significant impact on a substantial number of small entities for the purposes of the Regulatory Flexibility Act (Pub. L. 96-354).

Drafting Information

The principal persons involved in drafting these regulations are: Mr. Robert Markle, Office of Merchant Marine Safety, and Mr. William Register, Office of the Chief Counsel.

Discussion of the Regulations

a. *General.*

1. These regulations revise the existing specifications for pilot ladders and chain ladders and add a new specification for pilot hoists. Pilot hoists and pilot ladders are items of vessel equipment used in routine boarding of pilots and other personnel when the vessel is away from the dock. Chain ladders are items of lifesaving equipment that are intended for emergency use in boarding lifeboats and liferafts. The requirements for pilot ladders and chain ladders were in Subpart 160.017 of Title 46. However, in the amendments published here, the requirements for pilot ladders and the new requirements for pilot hoists have been placed in Subparts 163.003 and 163.002 respectively. The requirements for chain ladders have been retained in Subpart 160.017. A detailed description of the amendments was provided in the NPRM but is not repeated here in order to minimize publishing costs.

2. The specification for pilot ladders is based primarily on Chapter V, Regulation 17 of the Safety of Life at Sea Convention, 1974 (SOLAS 1974) and on the comments that were received on the notice of proposed rule making. Until SOLAS 1974 came into force on May 25, 1980, the requirements of Chapter V, Regulation 17 were Recommendation A.263 (VIII) of the Inter-Governmental Maritime Consultative Organization (IMCO). The specification for pilot hoists is based primarily on Resolution A.275 (VIII) adopted by IMCO in 1973. The Coast Guard actively participated in developing this resolution and Resolution A.263 (VIII).

3. The notice of proposed rule making contained detailed procedures for approval and production testing. These procedures have been deleted in the final rules and replaced with a cross reference to the approval procedures in 46 CFR Part 159. The procedures in Part 159 are essentially the same as corresponding procedures proposed in the NPRM. Part 159 was published in the **Federal Register** of December 17, 1979 (44 FR 73038).

4. A number of changes have been made in each of the specification regulations which are intended to remove unnecessary detail requirements in order to remove barriers to innovative design. New §§ 160.017-9(c) (chain ladder) and 160.003-9(c) (pilot ladder) contain a discussion on the approval of alternative designs. These sections are similar to § 163.002-9(c) (pilot hoists) which was in the NPRM. Other changes were made to replace design requirements with performance requirements. These are noted in the following discussion of changes to each of the specifications.

5. Section 163.003-3 of these regulations incorporates by reference the American Society for Testing and Materials' "Standard Recommended Practice for Outdoor Weathering of Plastics." The number of the standard is ASTM D 1435, published in 1975 and reapproved in 1979. The standard may be purchased from ASTM at the address listed under **ADDRESSES.** Approval to incorporate this standard by reference was obtained from the Director of the Federal Register on January 13, 1981. The standard is incorporated as it exists on the date of approval, and notice of any future changes that are incorporated will be published in the **Federal Register.**

Discussion of Changes to the Proposed Regulations

a. *Chain Ladders.*

1. *Section 160.017-11(a).* This paragraph required single-loop, weldless, lock-link pattern chain, trade number 7-0 or larger. This design requirement was replaced with a requirement for non-kinking chain with a minimum breaking strength of at least 16 kN (3,560 lb.) (the equivalent strength of trade 7-0 single-loop, weldless, lock-link chain). Although at the present time there is no other commonly available chain known to be suitable for this application, the change in the requirement does provide both ladder and chain manufacturers with a degree of design flexibility.

2. *Sections 160.017-11(b) and -13(h).* One commenter recommended that stainless steel bolts be required and that galvanized steel bolts be prohibited. The commenter pointed out that the bolts would have to be peened over the nuts and that this would lead to damage of the zinc coating on the end of the galvanized bolts, so that they would eventually rust. Section 160.017-11(b) has been revised to require that the peened over ends of galvanized bolts be given an additional corrosion resisting treatment after peening.

3. *Section 160.017-11(d).* The details on the type of water repellant wood preservative and method of application have been removed.

4. *Section 160.017-11(e)* The dimensional details of the lashing ring have been deleted (with the exception of the inside diameter) and have been replaced with a requirement that the lashing ring be of the same minimum strength as the chain.

5. *Section 160.017-13(a).* The figure that identified the detail parts of the ladder has been deleted.

6. *Sections 160.017-13(b) and 163.003-13(b)(5).*

(a) The requirement that the suspension member be a continuous length of chain has been deleted from § 160.017-13(b). The strength requirements in § 160.017-11(a), as well as the ladder strength tests, are sufficient to determine that there are no "weak links" in the ladder suspension members.

(b) One commenter recommended that a small line of considerable strength be interlaced through the chain for additional strength. This recommendation has not been adopted. The requirements for chain are the same as those in existing ladder designs currently approved by the Coast Guard. Existing ladders have been shown through use over many years to be of sufficient strength for their intended use.

(c) Another commenter made a recommendation for pilot ladders that was considered to be relevant for chain ladders as well. The comment was that a maximum distance between suspension members of 480 mm (19 in.) should be specified, because the 400 mm (16 in.) minimum spacing without a specified maximum would allow the production of steps that could be too wide to use safely. The 480 mm (19 in.) maximum distance is the same as that required on all chain ladders approved by the Coast Guard up to this time, and these ladders have been used satisfactorily in service. A wider distance could place the suspension members at a position wider than the

shoulders of most persons, which would make using the ladder awkward. A 480 mm (19 in.) maximum distance between suspension members has been added to § 160.017–13(b) and § 163.003–13(b)(5).

7. *Sections 160.017–13(c) and –13(d).* These paragraphs replace §§ 160.017–13(c), –13(d), –13(e), –13(f), and –13(g) in the NPRM that described the attachment of the lashing rings to the top and bottom of the suspension members in detail. Since these lashing rings are part of the suspension members which have an overall strength requirement, as well as a strength test, these details were found to be unnecessary.

8. *Section 160.017–13(e).* The reasons for the detail requirements in this paragraph have been added. The purpose of the addition is to provide ladder designers with a performance requirement which must be met if an alternate design is proposed.

9. *Section 160.017–13(f).* The reasons for the detail requirements for rungs have been added wherever detail requirements remain. The requirement for each edge of a rung to be rounded or chamfered has been deleted since this is adequately covered in § 160.017–13(i). The requirement for each rung to be attached to the spacer ear by a clip has been deleted since there are a number of ways that rungs could be successfully attached.

10. *Section 160.017–13(g).* The requirement for each spacer ear to have a smooth finish with rounded or chamfered edges has been deleted since this is adequately covered in § 160.017–13(i). Section 160.017–13(g)(4) has been revised to delete specific requirements for ribs, flanges, and stress relief holes, and instead the ear is required to be designed to prevent its tearing or bending. The details are listed as examples of the ways that this can be accomplished.

11. *Section 160.017–13(h).* The details in this paragraph have been replaced with a performance requirement for fastening devices to have a means to prevent their loosening.

12. *Sections 160.017–25 and –27.* To comply with § 160.017–25, each manufacturer of an approved chain ladder must begin marking ladder steps constructed after the effective date of these regulations. Each manufacturer will also have to make arrangements to have production tests conducted by or under supervision of an independent laboratory. This procedure is required under § 160.027–27.

b. *Pilot Hoist*

13. One commenter objected to the various sections of the proposed regulations that included provisions in addition to those in IMCO Resolution A.275 (VIII). The IMCO Resolution provides a good starting point for pilot hoist requirements, but additional provisions have also been included in the specification to provide an additional margin of safety for users. This possibility was forseen by the IMCO Lifesaving Appliances Subcommittee which developed the Resolution. At its sixth session in 1973, the Subcommittee declined to develop detailed regulations for pilot hoists to be incorporated into SOLAS 1974 because of continuing developments in mechanical pilot-hoists, the variety of designs available, and the desire not to inhibit further development.

14. *Section 163.002–11(a) and –11(d).* The reason for the material requirement has been added to each of these paragraphs. The purpose of the additions is to provide pilot hoist designers with a performance requirement which must be met if an alternate design is proposed.

15. *Section 163.002–11(b).* The requirement for each suspension cable to be at least 4.5 mm (3/16 in.) in diameter has been deleted. The strength tests make sure that these cables are of adequate size.

16. *Section 163.002–13(h).* One commenter recommended that air-powered portable pilot hoists be allowed to use a simple air disconnect instead of a deck interlock. This recommendation has not been adopted. A simple air disconnect would not pevent the hoist from operating when improperly installed. An interlock for an air-powered hoist does not have to be especially complex or costly. It simply requires an air valve that is always closed, except when held open by a part of the device that secures the pilot hoist to the deck.

17. *Sections 163.002–13(k) and –17(c).* One commenter noted that past problems with pilot hoists included insufficient air pressure and wet and frozen air lines. Section 163.002–13(k) in both the NPRM and the final rules requires pilot hoists to have a pressure gauge, air filter and regulator, oil lubricator, and water trap which should prevent these problems. In line with the commenter's concern, however, § 163.002–17(c) has been added in the final rules to require each gauge on a pilot hoist to be marked with normal operating ranges.

18. *Section 163.002–13(p).* One commenter questioned the need for the hand operated device to be operable from the standing position, rather than from a kneeling position, because of the cost required to redesign some existing hoists. Redesigning costs should not be expensive. In all probability, the only design change needed will be to reposition the shaft of the device so that the operator can stand rather than kneel to use it. The purpose of this requirement is to allow a person to operate the hand crank safely and efficiently. Operating the crank from a kneeling position would be difficult and would not allow the operator to concentrate attention on movement of the ladder or lift platform.

19. *Section 163.002–13(r).* This paragraph has been expanded so that the reason for requiring worm gears to operate in an oil bath is included. Sliding contact gears, such as worm gears, are subject to accelerated wear unless provided with ample lubrication. Alternate means of lubricating the gear teeth on each revolution are also permitted.

20. *Section 163.002–13(s).* Several unnecessary detail requirements on the design of inspection ports and provisions for drainage have been deleted from this paragraph.

21. *Section 163.002–13(t).* Two commenters stated that designing a hoist with two cables arranged so that the ladder or lift platform would remain level and stationary if one cable brakes is difficult to accomplish. At least one pilot hoist manufacturer has produced such a device. It has cables that lead from the winch drum down to the rigid ladder, through a sheave on either side, and back up to an anchor point on the hoist unit on deck.

22. *Section 163.002–13(u) and –21(c)(11).*

(a) Two commenters recommended that something be done to prevent hoist cables from jumping off sheaves and jamming. Section 163.002–13(u) has been revised in accordance with this recommendation to require a device on each sheave that prevents the cable from jumping out of the sheave groove.

(b) Two commenters recommended that a level winding mechanism be required for the winch drum of a hoist. Section 163.002–13(u), as proposed, required that winch drums be designed to accept one level wind of wrap and the test in proposed § 163.002–21(c)(11) required the cable to wind onto the drum in one level wind. This may be accomplished with or without a level winding device. Accordingly, this recommendation has not been adopted. However, the test in § 163.002–21(c)(11) has been revised in the final rules to provide a more thorough check for reliability of level wrap winding. As proposed, the test was run once with the full working load on the hoist, and again with the weight of only the rigid ladder or lift platform on the hoist. The test, as

revised, requires ten repetitions under both conditions. This should reveal any cable designs that, on occasion, will fail to wind in a level wrap.

23. *Section 163.002–13(w) and* –21(c)(12). Section 163.002–13(w) has been revised to prohibit the use of adhesive sheets as a means for providing the non-skid stepping surface required by that section. An example of how the requirement can be met has been added. Also, a test has been added in § 163.002–21(c)(12) to measure the surface friction of the step. These changes were made in response to a comment on pilot ladders and are more fully discussed in paragraph 40 below.

24. *Section 163.002–13(w) and* –13(z)(1). Three comments on the proposed pilot ladder requirements recommended that the distance from the top of one step to the top of the next should be 13½ in. instead of the range of 300 mm (12 in.) to 380 mm (15 in.). Section 163.002–13(w) has been revised in accordance with this comment to require a step spacing of between 300 mm (12 in.) and 350 mm (13¾ in.). This comment and the revisions are discussed in paragraph 25 below. Another commenter recommended that the distance from the top step of the pilot ladder under the pilot hoist ladder or lift platform to the top of the bottom step of the rigid ladder or the surface of the lift platform should be the same as the pilot ladder step spacing instead of the wide range of 225 mm (9 in.) to 400 mm (16 in.) permitted in proposed § 163.002–13(z)(1). This section has been changed in accordance with the commenter's recommendation to require the same spacing that is required between pilot ladder steps.

25. *Section 163.002–13(z).* One commenter recommended that a chain ladder be permitted at the bottom of a pilot hoist in place of a pilot ladder. This recommendation was not adopted since a rope pilot ladder provides a better hand grip than the chain ladder.

26. *Section 163.002–13(bb).* The details listing various fasteners and locking methods have been deleted. The remaining paragraph is a performance requirement for fasteners to have a means to prevent loosening.

27. *Section 163.002–21(c)(8).* One commenter objected to the speed requirement of 1.5 m (5 ft.) per minute for the hand operated device on the pilot hoist as being cost prohibitive since existing hoists would have to be redesigned to meet the requirement. This speed requirement was proposed as one which could be reasonably met by an operator in good physical condition and that would allow recovery of a stranded ladder or lift platform in a reasonable amount of time. In the case of some present designs, if the hoist becomes disabled 9 m (30 ft.) from the deck of the vessel, it can require as much as 20 minutes to recover it. This is an unacceptable risk for a person on the ladder or lift platform in cold temperatures or in heavy seas. At a speed of 1.5 m per minute, the ladder or lift platform can be recovered in about 6 minutes.

d. *Pilot Ladder.*

28. *Section 163.003–7.* One commenter objected to the introduction of independent laboratories as unnecessary and stated that a recent production test of pilot ladders by a Coast Guard inspector required only an hour. The conversion from Coast Guard testing to independent laboratory testing is proceeding since there are no longer enough inspectors available in the Coast Guard to conduct or observe testing of all present and potential manufacturers of Coast Guard approved equipment, even though each test, taken individually, would not appear to be a great burden.

29. *Section 163.003–11(a).* Six commenters recommended that dacron "safety core" rope be permitted or required in place of manila rope. This particular rope is white dacron with an orange polypropylene rope core. The advantage of this rope is supposed to be that it provides a better gripping surface than manila and has durability properties as good or better than manila. The core of a different color indicates that the rope is severly worn when the core shows through the outer strands of the rope. Synthetic ropes in general have not been favored for pilot ladder use in the past, since some types deteriorate rapidly when exposed to the weather, and other types such as nylon stretch so much that the pilot on the end of a long ladder tends to bounce. However, dacron rope is as durable as manila and, although it stretches more than manila rope, it does not stretch nearly as much as nylon rope. Accordingly, § 163.003–11(a) has been modified to permit the use of this rope as an alternative to manila.

30. *Section 163.003–11(b).* The list of different types of defects has been removed from this paragraph to eliminate unnecessary detail.

31. *Section 163.003–11(c).* The specific types of water-repellant wood preservatives and their methods of application have been deleted from this paragraph as unnecessary design details.

32. *Section 163.003–11(e).* Four commenters recommended that all of the metal parts of the ladder be a corrosion resistant metal and that galvanized steel be prohibited. Fasteners such as bolts and nuts may have to be removed in order to replace broken steps and a galvanized coating would probably be destroyed in such an operation. However, galvanizing can be successfully used for other metal parts if applied by the hot dip process after the part is formed. Accordingly, the section has been revised to require that metal fasteners be a corrosion resistant metal, but retains the provision allowing other metal parts to be of galvanized steel.

33. *Section 163.003–13(a).*

(a) The figures that were in the NPRM identifying the detailed parts of the ladder have been eliminated as unnecessary detail.

(b) One commenter recommended that a pilot ladder be required to float, presumably so that if the ladder falls from a vessel while in use, it can also be used for flotation. This comment has not been adopted. Persons climbing pilot ladders should be wearing personal flotation devices and should not have to depend on the ladder for flotation.

(c) Three commenters recommended weight limitations for the pilot ladder. One suggested drilling holes in the step to lighten it. Two others suggested upper weight limits of 6 kg per m (4 lb./ft.). The reason for limiting the weight would be to prevent the ladder from becoming too cumbersome to handle on the vessel. The weight limitation has not been adopted since it is not directly related to the safety of persons using the ladder. A heavier ladder means more material and a more expensive ladder in general. Therefore, there is an economic incentive for the manufacturer to keep the weight low. It is believed that market forces will prevent ladders from becoming too heavy to handle on deck, and that Federal regulation in this area is unnecessary.

34. *Section 163.003–13(b)(3).* The reference to tarred marline for use in serving the ends of the suspension members has been deleted as an unnecessary design detail.

35. *Section 163.003–13(b)(4).* Six commenters recommended that metal clamps be required in place of tarred marline for securing the steps, inserts, and suspension members in place. Reasons for opposing the use of tarred marline include its tendency to loosen once it has been wet and dries, and a lowering quality of marline being produced. Section 163.003–13(b)(4) has been revised in accordance with these comments to require the use of metal clamps in lieu of tarred marline.

36. *Section 163.003–13(b)(5).* As explained in paragraph 6(c) above, this requirement has been revised to include

an upper limit of 480 mm of clear space between suspension members.

37. *Section 163.003–13(b)(6).* One commenter recommended prohibiting shackles, thimbles, or similar fittings at the bottom of the ladder to discourage the attachment of additional ladder sections. This requirement has been changed as recommended. SOLAS 1974 requires that ladders used on vessels be of a single length, so there is no reason to have fittings at the bottom of the ladder.

38. *Section 163.003–13(c).*

(a) Section 163.003–13(c)(5) in the NPRM which required the top edges of the step to be rounded or chamfered has been deleted since it unnecessarily repeats the requirements of § 163.003–13(f).

(b) Section 163.003–13(c)(10) in the NPRM which required four inserts has been deleted since there are a number of ways that the suspension members can be secured to the steps besides inserts. Other paragraphs referring to inserts and providing detailed requirements for them have also been deleted. This includes all of what was § 163.003–13(d) in the NPRM.

39. *Section 163.003–13(c)(1) and* –21(c)(1).

(a) One commenter recommended that molded steps at the bottom of the ladder not be required since wood steps provide a better stepping surface than molded steps. This comment has not been adopted. The reason for requiring the molded steps at the bottom of the ladder is that they can withstand the abuse to which the lower steps of a pilot ladder are subjected better than wooden steps can. Furthermore, the requirement in § 163.003–13(c)(2) for a non-skid surface on the step will result in a step that is comparable in traction to the wood step, wet or dry. Section 163.003–13(c)(2) is discussed in more detail in paragraph 40 below.

(b) Five commenters recommended that molded steps be either required or permitted in lieu of wood steps in a ladder. Section 163.003–13(c)(1) has been changed to permit molded steps, and § 163.003–21(c)(1) has been changed to provide for appropriate testing which is discussed further in paragraph 48 below.

40. *Section 163.003–13(c)(2) and* –21(c)(6). Six commenters recommended that the required non-skid surface of ladder steps be provided by a permanently applied grit. Some of these commenters also recommended that (1) the steps should have grooving in a diamond pattern so that all of the grooves would lead to the edge of the step to promote drainage of water, (2) grooves should be either ⅛ in. or 3/16 in. deep, (3) non-skid surfaces should not be provided by adhesive sheets (presumably since they can peel off), and (4) the grit should be set back from the edge of the step so that it will not have a cutting abrasive edge. Section 163.003–13(c)(2) has been revised to prohibit the use of adhesive sheets. The other features have been added as an example of how the non-skid requirement can be met. An approval test has also been added in § 163.003–21(c)(6) to check for effectiveness of the non-skid surface. This test is similar to one developed by Underwriters Laboratories.

41. *Section 163.003–13(c)(5).* Two commenters recommended more positive requirements regarding the use of replacement steps. Special replacement steps will be approved under this subpart if they are necessary to permit steps to be replaced without unstringing the ladder. This section has been revised to make it clear that replacement steps are acceptable and that they must meet all of the other requirements for steps in the subpart.

42. *Section 163.003–13(c)(7).* Three commenters recommended that either 13⅜ in. or 13½ in. be specified as the distance from the top of one step to the top of the next. The NPRM specified a maximum distance of 380 mm (15 in.). This provision has been revised in accordance with these comments to require a maximum top-to-top step spacing of 350 mm (13¾ in.). (350 mm was selected as the closest round metric figure including 13⅜ in. and 13½ in.) As evidenced by the commenters' concern, spacing that is much larger than 350 mm, could result in making the ladder steps difficult to climb.

43. *Section 163.003–13(c)(8).* Seven commenters recommended that the steps be a highly visible color such as orange and that a hard epoxy paint be required for wooden steps so that the paint would stand up to hard use and be easier to keep clean. In support of this recommendation, the commenters stated that brightly colored steps, when contrasted against a dark ship hull, would make the ladder more visible to an approaching pilot boat. A requirement has been added to § 163.003–13(c)(8) of the final rules in accordance with this recommendation. Section 163.003–13(c)(8) does not require the non-skid step surface be brightly colored since it would be difficult to paint the grit and retain the required non-skid surface. An unpainted stepping surface, however, should not reduce the visibility of the ladder from an oncoming pilot boat since the stepping surfaces of the steps are not seen from this vantage point. One commenter's recommendation that the clamps used on the ladder also be orange was not adopted since the major factor in visibility will be the brightly colored step area.

44. *Section 163.003–13(c)(9).* The reason for requiring that devices attached to the top of the step not be higher than one-half the step width has been added. This provides a performance requirement for manufacturers that might propose an alternative design.

45. *Section 163.003–13(d).* One commenter recommended that spreaders be optional. This recommendation has not been adopted since spreaders are required by SOLAS 1974.

46. *Sections 163.003–13(e) and 163.002–13(bb).* One commenter recommended that self-locking nuts be required instead of peening over the ends of bolts as the means to secure them. Peening over the ends of bolts would discourage prompt and easy replacement of damaged steps. To correct this, § 163.003–13(e) has been revised to require fasteners to have lock washers or other locking devices to prevent the fasteners from loosening. The pilot hoist specification also includes this requirement in § 163.002–13(bb).

47. *Sections 163.003–21(a) and –27(b).* One commenter recommended that steps subjected to the 900 kg load not be used in any production ladders because of the heavy load to which they have been subjected. A step that passes the test may be distorted and should not be used in a ladder that is sold for use. However, a step that is not distorted as a result of the test should be satisfactory for use. The recommendation has been adopted for steps that have a permanent deflection as a result of testing.

48. *Sections 163.003–21(c)(1) and* –27(b). One commenter recommended that a flexibility test be required at a load of 150 kg (330 lb.) with a maximum deflection of 20 mm (¾ in.) permitted during testing. The purpose of the test is to prevent the use of steps that are too flexible for safe use. Although a 20 mm deflection at 150 kg is acceptable for the lowest four rungs that must withstand frequent impact from a pilot boat, this is too much flexibility for steps used in the rest of the ladder since it would be difficult to climb. The recommended test has been adopted, but a step that passes this test would be acceptable only for the bottom four molded steps. For steps used above the bottom four steps, a test at 320 kg (700 lb.) has been added. The approval tests for pilot ladders currently approved by the Coast Guard also include a test at 320 kg.

In consideration of the foregoing, the amendments to Subchapter Q of Title 46 of the Code of Federal Regulations as proposed in the **Federal Register** of July 23, 1979 (44 FR 43016) are adopted with changes set forth below.

Dated: December 22, 1981.

J. B. Hayes,

Admiral, Coast Guard Commandant.

PART 160—LIFESAVING EQUIPMENT

1. Subpart 160.017 is revised to read as follows:

Subpart 160.017—Chain Ladder

Sec.

160.017–1 Scope.
160.017–7 Independent laboratory.
160.017–9 Approval procedure.
160.017–11 Materials.
160.017–13 Construction.
160.017–15 Performance.
160.017–17 Strength.
160.017–21 Approval tests.
160.017–25 Marking.
160.017–27 Production tests and examination.

Authority: R.S. 4405 as amended (46 U.S.C. 375), R.S. 4417a as amended (46 U.S.C. 391a), R.S. 4482 as amended (46 U.S.C. 416), R.S. 4488 as amended (46 U.S.C. 481), sec. 6(b), 80 Stat. 937 (49 U.S.C. 1655(b)); 49 CFR 1.46.

Subpart 160.017—Chain Ladder

§ 160.017–1 Scope.

(a) This subpart contains standards and approval and production tests for chain ladders used on a merchant vessel to get on and off the vessel in an emergency.

(b) The requirements in this subpart apply to a chain ladder designed for use along a vertical portion of a vessel's hull.

§ 160.017–7 Independent laboratory.

The approval and production tests in this subpart must be conducted by or under the supervision of an independent laboratory accepted by the Coast Guard under Subpart 159.010 of this chapter.

§ 160.017–9 Approval procedure.

(a) *General.* A chain ladder is approved by the Coast Guard under the procedures in Subpart 159.005 of this chapter.

(b) *Approval testing.* Each approval test must be conducted in accordance with § 160.017–21.

(c) *Approval of alternatives.* A chain ladder that does not meet the materials, construction, or performance requirements of this subpart may be approved if the application and any approval tests prescribed by the Commandant in place of or in addition to the approval tests required by this subpart, show that the alternative materials, construction, or performance is at least as effective as that specified by the requirements of this subpart. The Commandant may also prescribe different production tests if the tests required by this subpart are not appropriate for the alternative ladder configuration.

§ 160.017–11 Materials.

(a) *Suspension members.* Each suspension member of a chain ladder must be a continuous length of non-kinking chain, such as single loop lock link coil chain, with a minimum breaking strength of at least 16 kN (3,560 lbs.).

(b) *Metal parts.* Each metal part of a ladder must be made of corrosion-resistant metal or of steel galvanized by the hot dip process after the part is formed. If the ends of galvanized fasteners are peened over to lock them in place, a corrosion resisting surface treatment must be applied to each peened surface.

(c) *Wooden parts.* Each wooden part of a ladder must be made of hardwood that is free of defects affecting its strength or durability.

(d) *Wood preservative.* After each wooden part is formed and finished, it must be treated with water-repellant wood preservative that is properly applied.

(e) *Lashing rings.* The inside diameter of each lashing ring must be at least 75 mm (3 in.). Each lashing ring must have a minimum breaking strength of at least 16 kN (3,560 lbs.).

§ 160.017–13 Construction.

(a) *General.* Each chain ladder must have two suspension members. Each step in the ladder must be supported at each end by a suspension member.

(b) *Suspension member.* The distance between the two suspension members must be at least 400 mm (16 in.), but not more than 480 mm (19 in.). The chain between each top lashing ring and the first step must be long enough so that the distance between the center of the lashing ring and the top of the first step is approximately 600 mm (24 in.).

(c) *Lashing rings.* A lashing ring must be securely attached to the top and bottom of each suspension member. The means of attachment must be at least as strong as the chain and the lashing ring.

(d) *Thimble or wear plate.* A thimble or wear plate must be attached to the chain where it can slide on its connections to the lashing rings.

(e) *Steps.* Each step of a ladder must have two rungs arranged to provide a suitable handhold and stepping surface. The distance between steps must be uniform. This distance must be between 300 mm (12 in.) and 380 mm (15 in.).

(f) *Rungs.* Step rungs must meet the following requirements:

(1) Each rung must be wooden, or a material of equivalent strength, durability, handhold, and step surface characteristics.

(2) In order to provide a suitable handhold and step surface, the width of each rung must be at least 40 mm (1½ in.) and the thickness must be at least 25 mm (1 in.), but not more than 40 mm (1½ in.).

(3) the distance between the rungs in each step must be uniform. This distance must be between 40 mm (1½ in.) and 65 mm (2½ in.).

(4) Each rung must be attached to a spacer ear by a method that prevents the rung from rotating and that supports it in a horizontal position when the ladder is hung vertically.

(g) *Spacer ears.* Spacer ears must meet the following requirements:

(1) All spacer ears on a ladder must be the same size and shape.

(2) The top and bottom of each spacer ear must be attached to a suspension member.

(3) The top point of attachment must be at least 100 mm (4 in.) above the top surfaces of the rungs attached to the spacer ear.

(4) Each spacer ear made of sheet metal must have features such as formed ribs, rolled flange edges, and stress relief holes at the ends of cuts, to prevent the ear from bending or tearing.

(h) *Fasteners.* Each fastening device must have a means to prevent the device from loosening.

(i) *Workmanship.* A ladder must not have splinters, burrs, sharp edges, corners, projections, or other defects that could injure a person using the ladder.

§ 160.017–15 Performance.

(a) Each chain ladder must be capable of being rolled up for storage.

(b) Each ladder when rolled up must be able to unroll freely and hang vertically.

§ 160.17–17 Strength.

(a) Each chain ladder must be designed to pass the approval tests in § 160.17–21.

§ 160.017–21 Approval tests.

(a) *General.* Each approval test must be conducted on a ladder of the longest length for which approval has been requested. If a ladder fails one of the tests in this section, the cause of the failure must be identified and any needed changes made. After a test failure and any design change, the failed test, and any other previously completed

tests affected by the design change, must be rerun.

(b) *Visual examination.* Before starting the tests described in this section, an assembled chain ladder is examined for evidence of noncompliance with the requirements in §§ 160.017.11, 160.017–13, and 160.017–15.

(c) The following approval tests must be conducted:

(1) *Strength test #1.* An assembled ladder is supported so that a static load, if placed on any of its steps, would exert a force both on the step and each suspension member. A static load of 315 kg (700 lb.) is then placed on one step for at least one minute. The load must be uniformly distributed over a contact surface that is approximately 100 mm (4 in.) wide. The center of the contact surface must be at the center of the step. This test is performed on six different steps. No step may break, crack, or incur any deformation that remains after the static load is removed. No attachment between any step and a suspension member may loosen or break during this test.

(2) *Strength test #2.* A ladder is suspended vertically to its full length from its top lashing rings. A static load of 900 kg (2000 lbs.) is then applied to the bottom lashing rings so that it is distributed equally between the suspension members. The suspension members, lashing rings, and spacer ears must not break, incur any elongation or deformation that remains after the test load is removed, or be damaged in any other way during this test.

(3) *Strength test #3.* A rolled-up ladder is attached by its top lashing rings to anchoring fixtures in a location away from any wall or structure that would prevent it from falling freely, and where it can hang to its full length vertically. The ladder when dropped must unroll freely. When unrolling the ladder, its steps and attachments must not become cracked, broken, or loosened. Other similar damage making the ladder unsafe to use must likewise not occur.

§ 160.017–25 Marking.

(a) Each chain ladder step manufactured under Coast Guard approval must be branded or otherwise permanently and legibly marked on the bottom with—

(1) The name of the manufacturer;

(2) The manufacturer's brand or model designation;

(3) The lot number and date of manufacture; and

(4) The Coast Guard approval number.

§ 160.017–27 Production tests and examination.

(a) *General.* Each ladder manufactured under Coast Guard approval must be tested in accordance with this section and subpart 159.007 of this chapter. Steps that fail testing may not be marked with the Coast Guard approval number and each assembled ladder that fails testing may not be sold as Coast Guard approved.

(b) *Test #1: Steps.* Steps must be separated into lots of 100 steps or less. One step from each lot must be selected at random and tested as described in § 106.017–21(c)(1), except that the step may be supported at the points where it would be attached to suspension members in an assembled ladder. If the step fails the test, ten more steps must be selected at random from the lot and tested. If one or more of the ten steps fails the test, each step in the lot must be tested.

(c) *Test #2: Ladders.* Assembled ladders must be separated into lots of 20 ladders or less One ladder must be selected at random from the ladders in the lot. The ladder selected must be at least 3 m (10 ft.) long or, if each ladder in the lot is less than 3 m long, a ladder of the longest length in the lot must be selected. The ladder must be tested as prescribed in § 160.017–21(c)(2), except that only a 3 m section of the ladder need be subjected to the static load. If the ladder fails the test each other ladder in the lot must be tested.

(d) *Independent laboratory.* Each production test must be conducted or supervised by an independent laboratory. However, if a test is performed more than 4 different times per year, laboratory participation is required only 4 times per year. If the laboratory does not participate in all tests, the times of laboratory participation must be as selected by the laboratory. The times selected must provide for effective monitoring throughout the production schedule.

(e) *Visual examination.* The visual examination described in § 160.017–21(b) must be conducted as a part of each production test.

PART 163—CONSTRUCTION

2. A new Subpart 163.002 is added to Part 163 to read as follows:

Subpart 163.002—Pilot Hoist

Sec.
163.002–1 Scope.
163.002–3 Applicable technical regulations.
163.002–5 Definitions.
163.002–7 Independent laboratory.
163.002–9 Approval procedure.
163.002–11 Materials.
163.002–13 Construction.
163.002–15 Performance.
163.002–17 Instructions and marking.
163.002–21 Approval tests.
163.002–25 Marking.
163.002–27 Production tests and examination.

Authority: R.S. 4405 as amended (46 U.S.C. 375), R.S. 4417a, as amended (46 U.S.C. 391a), R.S. 4462, as amended (46 U.S.C. 416), R.S. 4488, as amended (46 U.S.C. 481), Sec. 6(b), 80 Stat. 937 (49 U.S.C. 1655(b)); 49 CFR 1.46.

Subpart 163.002—Pilot Hoist

§ 163.002–1 Scope.

(a) This subpart contains standards and approval and production tests for pilot hoists used on merchant vessels.

(b) The requirements in this subpart apply to a pilot hoist designed for use along a vertical portion of a vessel's hull.

§ 163.002–3 Applicable technical regulations.

(a) This subpart makes reference to the following Coast Guard regulations in this chapter:

(1) Subpart 58.30 (Fluid Power and Control Systems).

(2) Section 94.33–10 (Description of Fleet Angle).

(3) Part 111 (Electrical System, General Requirements).

(4) Subpart 163.003 (Pilot Ladder).

163.002–5 Definitions.

(a) "Maximum persons capacity" means—

(1) If the hoist has a rigid ladder, one person; or

(2) If the hoist has a platform, one person per square meter (10.75 sq. ft.) or fraction thereof of platform area (including hatch area);

(b) "Working load" means the sum of the weights of—

(1) The rigid ladder or lift platform, the suspension cables (if any) and the pilot ladder on a pilot hoist; and

(2) 150 kilograms (330 pounds) times the maximum persons capacity of the hoist;

(c) "Lift height" means the distance from the lowest step of the pilot ladder on a pilot hoist to the deck of a vessel on which the hoist is designed for installation when—

(1) The suspension cables of the hoist are run out until only three turns of cable remain on each drum; or

(2) If the hoist does not have suspension cables, the ladder or lift platform is in its lowest position.

§ 163.002–7 Independent laboratory.

(a) The approval and production tests in this subpart must be conducted by, or under the supervision of, an independent laboratory accepted by the

Coast Guard under Subpart 159.010 of this chapter.

§ 163.002-9 Approval procedure.

(a) *General.* A pilot hoist is approved by the Coast Guard under the procedures in Subpart 159.005 of this chapter.

(b) *Approval testing.* Each approval test must be conducted in accordance with § 163.002-21.

(c) *Approval of alternative designs.* A pilot hoist that does not meet the materials, construction, or performance requirements of this subpart may be approved if the application and any approval tests prescribed by the Commandant in place of or in addition to the approval tests required by this subpart, show that the alternative materials, construction, or performance is at least as effective as that specified by the requirements of this subpart.

§ 163.002-11 Materials.

(a) *Gears.* Each gear in a pilot hoist must be made of machine cut steel or machine cut bronze, or must be of a design of equivalent strength, durability, reliability and accuracy.

(b) *Suspension cables.* Each suspension cable on a pilot hoist must be a corrosion-resistant wire rope other than galvanized wire rope.

(c) *Corrosion-resistant materials.* Materials of a pilot hoist that are not in watertight enclosures must be—

(1) Corrosion-resistant or must be treated to be corrosion-resistant; and

(2) Galvanically compatible with each other adjoining material.

(d) *Aluminum alloys.* Any aluminum alloy which is not resistant to stress corrosion in marine atmospheres (i.e., contains more than 0.6 percent copper), must not be used in a structural component or in any other hoist component subject to stress.

§ 163.002-13 Construction.

(a) *General.* Each hoist must have a rigid ladder or a lift platform on which a person being raised or lowered may stand.

(b) *Spreader.* Each hoist must have a spreader or other device to prevent twisting of its ladder or lift platform. If a spreader is provided, it must be at least 1800 millimeters (5 feet, 10 inches) long.

(c) *Rollers.* The rigid ladder or lift platform on a pilot hoist and the ends of its spreader (if a spreader is provided) must have rollers at each point of contact with the vessel that allow the ladder or platform to move smoothly over the side of the vessel.

(d) *Load carrying parts.* Each load carrying part of a pilot hoist must be designed to have a minimum breaking strength of at least six times the load imposed on the part by the working load during operation of the hoist.

(e) *Exposed moving parts.* Each exposed moving part of a pilot hoist that poses a hazard to personnel must have a screen or guard.

(f) *Nonfunctional sharp edges and projections of excessive length.* A pilot hoist must not have nonfunctional sharp edges and must not have fastening devices or other projections of excessive length.

(g) *Installation requirements.* Each pilot hoist must be designed to allow—

(1) Its installation along the edge of a deck at a vertical portion of the hull;

(2) Its installation on the deck in a manner that does not require use of the vessel's side rails for support; and

(3) Unobstructed passage between the ladder or lift platform of the hoist and the deck of a vessel.

(h) *Deck interlock for portable hoist.* A pilot hoist, if portable, must have a deck interlock that prevents movement of the ladder or lift platform when the hoist is not installed.

(i) *Power source.* Each hoist must be designed to operate on electric, pneumatic, or hydraulic power or a combination of these.

(j) *Electrical equipment.* Electrical equipment of a pilot hoist must meet the electrical engineering regulations in Part 111 of this chapter. The operating voltage of electrical equipment on the ladder or lift platform of a pilot hoist must not exceed 25 volts.

(k) *Pneumatic and hydraulic equipment.* Pneumatic and hydraulic equipment of a pilot hoist must comply with the marine engineering regulations of Subpart 58.30 of this chapter. Each pneumatically powered hoist must have a water trap, air filter, air regulator, pressure gauge, and oil lubricator in the air line between the vessel's compressed air source and the pneumatic motor.

(l) *Hoist control lever.* Each pilot hoist must have a control lever for raising and lowering its ladder or lift platform. Movement of the lever upward or toward the operator must result in upward movement of the ladder or lift platform. Movement of the control in the opposite direction must result in downward movement of the ladder or lift platform. The control must be designed so that when released by the operator the ladder or lift platform stops immediately.

(m) *Emergency disconnect device.* Each pilot hoist must have a switch or valve for disconnecting the main power source in an emergency.

(n) *Power indicator.* Each pilot hoist must have an indicator to show the operator when power is being supplied to the hoist.

(o) *Arrangement of controls and power indicator.* The hoist control lever, the emergency disconnect device, and the power indicator on a pilot hoist must be arranged so that the hoist operator, when standing, can view all movement of the ladder or lift platform while using this equipment.

(p) *Hand-operated device and interlock.* Each pilot hoist must have a hand-operated device for raising and lowering its ladder or lift platform. The device must be operable from a standing position. The hoist must have an interlock that prevents simultaneous operation of its hand-operated device and its power source. Any removable hand gear, crank, or wheel of the hand-operated device must be securely stowed on the hoist.

(q) *Upper position step.* Unless a hoist has a pneumatic motor that stalls at the end of cable travel without jarring, jerking, or damaging the hoist, it must have one or more limit switches or valves that stop the ladder or lift platform at its upper end of travel without jarring, jerking, or damaging the hoist.

(r) *Means of lubrication.* Each hoist must have a means to lubricate its bearings. Sliding-contact gearing, such as worm gears, must operate in an oil bath, or have another means of lubricating the gear teeth on each revolution. Each lubricant enclosure must be designed so that it can be readily filled, drained, and checked for lubricant level.

(5) *Machinery housing.* Each machinery housing on a pilot hoist except gear boxes and other enclosures that retain lubricants, must have means that permit examination of all internal moving parts using common tools or without tools. Each machinery housing, except gear boxes and other enclosures that retain lubricants, must be designed to prevent moisture accumulation.

(t) *Suspension cable.* If a hoist has suspension cables, at least 2 cables must be provided and they must be arranged so that the ladder or lift platform remains level and stationary if one of the cables breaks. Each cable must be arranged to lead fair in a 15 degree vessel list toward the side of the vessel on which the hoist is installed. The devices for attaching the cables to their winch drums must be capable of supporting 2.2 times the workig load with the cables run all the way out.

(u) *Sheaves and drums.* Each sheave and each winch drum for a suspension cable on a pilot hoist must be of a size recommended by the cable supplier for

the diameter and construction of the cable. Each sheave must have a device that prevents the cable from jumping out of the sheave groove. Each drum must be designed to accept one level wind of wrap. The fleet angle of a grooved drum must not exceed 8 degrees, and the fleet angle of a non-grooved drum must not exceed 4 degrees.

Note—The term "fleet angle" is defined in § 94.33-10 of this chapter.

(v) *Rigid ladder.* A rigid ladder on a pilot hoist must have thermally insulated handholds and a padded backrest so that the person being raised or lowered may firmly brace himself or herself between the ladder and the backrest. The ladder must be at least 2.5 m (100 in.) long from the bottom rung to the top of the handholds.

(w) *Ladder rungs.* Each rigid ladder must have at least six rungs, each with a non-skid surface that does not retain water. Adhesive non-skid sheets may not be used. (For example, a suitable surface for a wooden rung is one that has grooves at least 3 mm (⅛ in.) deep cut in a diamond pattern so that water runs off the edge of the step. Non-skid grit is applied directly to the step surface.) The stepping surface of each rung must be not less than 115 mm (4½ in.) wide and not less than 400 mm (16 in.) long. The distance from the top of one rung to the top of the next must be uniform, between 300 mm (12 in.) and 350 mm (13¾ in.).

(x) *Platform railing.* A lift platform on a pilot hoist must be enclosed by a guardrail that has a diameter of between 30 millimeters (1¼ inches) and 75 millimeters (3 inches). The center of the guardrail must be at least 900 millimeters (3 feet) above the platform. At least one intermediate rail must be provided between the guardrail and the platform. Each rail must be set back from the edge of the platform at least 50 millimeters (2 inches). Each gate in the rails must have a latch that can keep the gate securely closed.

(y) *Platform floor.* The platform floor of a pilot hoist must have a non-skid surface and must be at least 750 millimeters (30 inches) by 750 millimeters, exclusive of the surface area of any hatch. Each hatch in the platform floor must be at least 750 millimeters (30 inches) by 750 millimeters. Each hatch must have a means to keep it securely positioned both when opened and closed.

(z) *Pilot ladder fittings.* The bottom of the rigid ladder or lift platform on a pilot hoist must have fittings to attach a pilot ladder of the type that meets the requirements of Subpart 163.003 of this chapter. The fittings must be arranged so that—

(1) The distance between the top of the highest step on the pilot ladder and the surface of the lift platform or top of the bottom rung on the rigid ladder is between 300 and 350 millimeters (12 and 13¾ inches);

(2) The steps of the pilot ladder are directly below and in line with the steps of the rigid ladder or edge of the lift platform; and

(3) The pilot ladder can bear on the side of the vessel when in use.

(aa) *Emergency stop switch.* Each pilot hoist must have an emergency stop switch that can be operated by a person on the ladder or lift platform.

(bb) *Fasteners.* Each fastening device securing a part of a pilot hoist must have a means to prevent the device from loosening.

(cc) *Gears.* Each gear must be keyed to its shaft.

(dd) *Welding.* Each weld must be made using automatic welding equipment or be made by a welder who is qualified by the U.S. Coast Guard, U.S. Navy, American Bureau of Shipping, American Welding Society, American Society of Mechanical Engineers, or other organization that has similar procedures for welder qualifications that are acceptable to the Commandant.

§ 163.002-15 Performance.

(a) Each pilot hoist must have sufficient performance capability to pass the approval tests in § 163.002-21.

§ 163.002-17 Instructions and markings.

(a) *Instruction plates or placards.* Each pilot hoist must have instructions that show its method of operation and lubrication of its working parts. The instructions must be on one or more corrosion-resistant plates, or must be weatherproof placards. The instructions must be attached to the hoist. Each instruction must be in English or must have understandable symbols or pictograms. The operator of the hoist must be able to see and read the operating instructions when operating the hoist control lever. The lubricating instructions must state the recommended lubricants for the temperature range in which the hoist is designed to operate. The temperature range must be stated in both degrees Celsius and Fahrenheit.

(b) *Marking of controls.* Each control on a pilot hoist and each position of the control must be identified by a marking on the hoist.

(c) *Marking of gauges.* Each gauge on a pilot hoist must be marked with its normal operating range.

(d) *Manual.* Each pilot hoist must have a manual of installation instructions, operating instructions, maintenance and repair instructions, a lubrication chart, a parts list, a list of sources of repair parts, and a log for keeping maintenance records. Each manual must be in English.

§ 163.002-21 Approval tests.

(a) *General.* If a pilot hoist fails one of the tests in this section the cause of the failure must be identified and any needed design changes made. After a test failure and any design change, the failed test, and any other previously completed tests affected by the change, must be rerun.

(b) *Visual examination.* Before starting the tests described in this section an assembled pilot hoist is examined for evidence of noncompliance with the requirements in §§ 163.002-11 and 163.002-13.

(c) The following approval tests must be conducted:

(1) *Rung strength.* If the pilot hoist has a rigid ladder a static load of 900 kilograms (2000 pounds) is applied to the center of a ladder rung for one minute. The load must be uniformly distributed over a 100 millimeter (4 inch) wide contact surface. The test must be repeated using a second ladder rung. The rungs must not break or crack during these tests.

(2) *Platform strength.* If the pilot hoist has a lift platform, the platform is lifted to a level where it is supported only by its suspension components. A static load of 900 kilograms (2000 pounds) is then applied to the center of the platform for one minute. The load must be uniformly distributed over a 100 millimeter (4 inch) square contact surface. The test must be repeated enough additional times so that the load is placed in the center of each hatch cover when in its closed position, and in the center of each area of the platform located between floor supports. The platform must not break or crack during these tests.

(3) *Deck interlock.* If the pilot hoist is portable, it is placed in an uninstalled position. Its hoist control lever is then activated. The deck interlock must prevent movement of the ladder or lift platform when the lever is activated.

(4) *Lifting and lowering speed and level wind.* The hoist is installed in a level operating position and a weight equal to the weight of the pilot ladder plus 150 kg (330 lb.) times the maximum persons capacity of the hoist is placed on its ladder or lift platform. The ladder or lift platform is repeatedly raised and lowered under power operation until a total distance of at least 150 meters (500

feet) has been traversed. The ladder or lift platform is raised and lowered each time through a distance of at least 5 meters (16 feet). The average speed of raising the ladder or lift platform and the average lowering speed during this test must both be between 15 and 21 meters per minute (50 and 70 feet per minute). During the test, each suspension cable must have one level wind of wrap each time it is rewound onto its drum.

(5) *Upper position stop.* The hoist is installed in a level operating position and a weight equal to the weight of the pilot ladder plus 150 kg (330 lb.) times the maximum persons capacity is attached to the hoist. The hoist must be able to raise the weight to the upper limit of travel of the ladder or lift platform and must be able to stop at the upper limit without jarring, jerking, or damage. The test is repeated with no weight on the ladder or lift platform.

(6) *Cable securing device.* If the hoist has suspension cables, it is installed in a level operating position and the cables are run all the way out. A weight equal to 2.2 times the working load is then attached to the cables. The cables must remain securely attached to the drums for at least one minute after the weight has been attached.

(7) *Controls and power indicator.* The hoist is installed in a level operating position and a weight equal to the working load is attached to the hoist. The hoist control lever is then operated with the power both on and off. The lever, when operated, must meet the requirements in § 163.002–13(l). The power indicator must meet the requirements in § 163.002–13(n) during the test. When the power is turned off, the ladder or lift platform must stop immediately and remain stationary until power is turned on. The emergency stop switch on the ladder or lift platform is activated at some point when the ladder or lift platform is being raised or lowered. Upon activation, the ladder or lift platform must stop and remain stationary.

(8) *Hand operation and interlock.* The hoist is installed in a level operating position and a weight equal to the working load is attached to the hoist. The hand operated device is then engaged. One person, when using the hand operated device, must be able to raise and lower the weight through a distance of at least 5 meters (16 ft.) in each direction and must be able to raise and lower it at a speed of at least 1.5 meters per minute (5 ft. per minute). When raising or lowering the hoist with the hand operated device, the power source for the hoist is turned on, or an attempt is made to turn it on. Then, with power source turned off, the hand operated device is disengaged. The power source is then turned on and an attempt made to engage the hand operated device. The interlock must prevent simultaneous operation of the power source and the hand operated device.

(9) *2.2x overload.* The hoist is installed in a level operating position. Each roller on the ladder or lift platform is placed in contact with a vertical surface. A weight equal to the difference between 2.2 times the working load and the weight of the ladder or lift platform is placed on the ladder or lift platform. The ladder or lift platform is raised through a distance of at least 5 meters (16 feet) and the hoist control lever is then released. The ladder or lift platform must stop without jarring or damage and must hold the weight for at least one minute. The weight is then lowered through a distance of not less than 5 meters (16 feet) and the control lever is then released. The ladder or lift platform must stop within 600 millimeters (2 ft.) of where the hoist was when the lever was released and the ladder or lift platform must remain stationary for at least one minute thereafter. Each roller must move smoothly over the vertical surface without jamming or sliding during the test.

(10) *6x overload.* The hoist is installed in a level operating position. A load of six times the working load is attached to the hoist. (If the hoist has suspension cables, the cables must be run out at least one meter (3 ft.) before adding the load to the hoist). The weight must remain stationary for at least one minute without damage to any part of the hoist. The test is repeated simulating a vessel list of 15 degrees toward the side on which the hoist is installed.

(11) *Level wind suspension cable.* If the hoist has suspension cables, it is installed in a level operating position with the cables wound onto the drums. A weight equal to the working load is attached to the hoist. The cables are run all the way out and then rewound back onto the drums at least ten times. Each drum and cable is observed for level winding as the cable is wound onto the drum. The test must be repeated with a weight equal to the weight of the rigid ladder or lift platform. In each test, each cable must always rewind onto the drum in one level wind of wrap.

(12) *Rung friction test.* One rung of each type used on a rigid ladder must be subjected to this test. This test compares the dry and wet surface friction characteristics of ladder rungs with those of a standard oak step.

(i) The standard step must have a surface of clean oak that meets S/163.003–11(b) of this chapter and that is 115 mm (4½ in.) wide by 400 mm (16 in.) long. The stepping surface must have grooves that are 3 mm (⅛ in.) deep and 3 mm wide. The grooves must run in two different directions at right angles to each other, and at 45 degree angles with each edge of the stepping surface, so that the grooves form a diamond pattern covering the stepping surface. The centers of all parallel grooves must be 13 mm (½ in.) apart.

(ii) The standard step must be set in a level position. A metal block must be placed on one end of the step so that the block is in contact with the stepping surface. The metal block must weigh between 1.5 kg (3.3 lb.) and 3.0 kg (6.6 lb.) and must not be more than 100 mm (4 in.) wide by 135 mm (5⅜ in.) long. The surface of the block in contact with the step must have leather or composition shoe sole material attached to it.

(iii) The end of the step that has the metal block on it must be slowly raised until the block starts to slide. The angle of the step in this position must be measured and recorded. The step and block must then be placed under water and the procedure repeated.

(iv) The procedure in paragraph (c)(12)(iii) of this section must be repeated using a rigid ladder rung in place of the standard step.

(v) The ladder rung must then be secured in a horizontal position with a block resting on its stepping surface. The block must be of a size similar to the one used in the previous tests and have the same shoe sole surface used in the previous tests. The block must be arranged to apply a vertical load of 40 kg (88 lb.) to the rung. The block must be then moved back and forth in the same line from one end of the stepping surface to the other. This must be done for a total of 1,500 cycles.

(vi) The rung must again be tested as described in paragraph (c)(12)(iii) of this section, except that the initial position of the block must be on a part of the stepping surface that was subjected to the 1,500 cycles of rubbing.

(vii) The angles at which the block starts to slide on a wet and dry ladder rung when tested under paragraphs (c)(12)(iv) and (c)(12)(vi) of this section must be equal to or greater than the corresponding angles measured for the standard step when tested under paragraph (c)(12)(iii) of this section.

§ 163.002–25 Marking.

(a) Each pilot hoist manufactured under Coast Guard approval must have a corrosion-resistant nameplate. The nameplate must contain the—

(1) Name of the manufacturer;

(2) Manufacturer's brand or model designation;
(3) Working load;
(4) Lift height;
(5) Maximum persons capacity;
(6) Hoist serial number;
(7) Date of manufacture; and
(8) Coast Guard approval number.
(b) The hoist must be permanently and legibly marked with the name of the laboratory that conducted the production tests.

§ 163.002-27 Production tests and examination.

Each pilot hoist manufactured under Coast Guard approval must be tested as prescribed in § 163.002-21(c)(9) and Subpart 159.007 of this chapter. The tests must be conducted by an independent laboratory. If the hoist fails the tests its defects must be corrected and retested until it passes. The laboratory must also conduct the visual examination described in § 163.002-21(b). The hoist may not be sold as Coast Guard approved unless it passes testing and unless each defect discovered in the visual examination is corrected.

3. A new Subpart 163.003 is added to Part 163 as follows:

Subpart 163.003—Pilot Ladder

Sec.
163.003-1 Scope.
163.003-3 ASTM standard.
163.003-7 Independent laboratory.
163.003-9 Approval procedure.
163.003-11 Materials.
163.003-13 Construction.
163.003-15 Performance.
163.003-17 Strength.
163.003-21 Approval tests.
163.003-25 Marking.
163.003-27 Production tests and examination.
163.003-29 Effective date and status of prior approval.

Authority: R.S. 4405 as amended (46 U.S.C. 375), R.S. 4417a as amended (46 U.S.C. 391a), R.S. 4482 as amended (46 U.S.C. 416), R.S. 4488 as amended (46 U.S.C. 481), sec. 6(b), 80 Stat. 937 (49 U.S.C. 1655(b); E.O. 12234, 45 FR 58801; and 49 CFR 1.46.

Subpart 163.003—Pilot Ladder

§ 163.003-1 Scope.

(a) This subpart contains standards and approval and production tests for a pilot ladder used on a merchant vessel to embark and disembark pilots and other persons when away from the dock.
(b) The requirements in this subpart apply to a pilot ladder designed for use along a vertical portion of a vessel's hull.

§ 163.003-3 ASTM standard.

The following standard of the American Society of Testing and Materials is incorporated by reference into this subpart: ASTM D 1435 entitled "Standard Recommended Practice for Outdoor Weathering of Plastics."

§ 163.003-7 Independent laboratory.

The approval and production tests in this subpart must be conducted by or under the supervision of an independent laboratory accepted by the Coast Guard under Subpart 159.010 of this chapter.

§ 163.003-9 Approval procedure.

(a) *General.* A pilot ladder is approved by the Coast Guard under the procedures in Subpart 159.005 of this chapter.
(b) *Approval testing.* Each approval test must be conducted in accordance with § 163.003-21.
(c) *Approval of alternatives.* A pilot ladder that does not meet the materials, construction, or performance requirements of this subpart may be approved if the application and any approval tests prescribed by the Commandant in place of or in addition to the approval tests required by this subpart, show that the alternative materials, construction, or performance is at least as effective as that specified by the requirements of this subpart. The Commandant may also prescribe different production tests if the tests required by this subpart are not appropriate for the alternative ladder configuration.

§ 163.003-11 Materials.

(a) *Suspension members.* Each suspension member must be mildew-resistant manila rope or a dacron polyester rope with a polypropylene core of a color that contrasts with the dacron. Each suspension member must have a breaking strength of not less than 24 kN (5,400 lb.) and a nominal circumference of not less than 60 mm (2¼ in.).
(b) *Wooden parts.* Each wooden part of a pilot ladder must be hardwood that is free from knots and any other defects affecting its strength or durability.
(c) *Wood preservative.* After each wooden part is formed and finished, it must be treated with water-repellant wood preservative that is properly applied.
(d) *Molded steps.* Each step made of molded construction must be rubber or resilient plastic.
(e) *Metal parts.* Each metal fastener must be made of a corrosion resistant metal. Each other metal part must be made of corrosion-resistant metal or of steel galvanized by the hot dip process after the part is formed.
(f) *Plastics.* Each plastic material must be of a type that retains at least 30 percent of its original tensile strength and at least 80 percent of its original impact strength when subjected to the one year outdoor weathering test described in ASTM D 1435.

§ 163.003-13 Construction.

(a) *General.* Each pilot ladder must have two suspension members on each side. Each step in the ladder must be supported by each suspension member.
(b) *Suspension member.* The suspension members of a pilot ladder must meet the following requirements:
(1) Each suspension member must be continuous from the top of the ladder to the bottom and must not be painted or otherwise coated or covered.
(2) Except as provided in paragraph (g) of this section—
(i) The top end of one suspension member on each side of the ladder must extend at least 3 m (10 ft.) beyond the top ladder step; and
(ii) The top ends of the other suspension members must be just above the top step and must have an eye splice or thimble large enough to fit two passes of a suspension member.
(3) The top end of each suspension member that does not have an eye splice or thimble must be served or treated to prevent fraying.
(4) Each pair of suspension members must be clamped together both above and below each step. Marline seizing may not be used.
(5) The clear space between the suspension members on one side of a ladder and those on the other side must be at least 400 mm (16 in.), but not more than 480 mm (19 in.).
(6) The suspension members must not have fittings at the bottom of the ladder that can be used for attaching additional ladder sections.
(c) *Steps.* Pilot ladder steps must meet the following requirements:
(1) The four lowest steps must be molded steps and the rest of the steps must be either wooden or molded steps.
(2) The top face of each step must have a rectangular surface that is at least 115 mm (4½ in.) wide with a non-skid surface that does not retain water. Adhesive non-skid sheets may not be used. (For example, a suitable surface for a step is one that has grooves at least 3 mm (⅛ in.) deep cut in a diamond pattern so that water runs off the edge of the step. Non-skid grit is applied directly to the step surface extending to almost the full width of the step.)
(3) Each step at its thinnest point must be at least 25 mm (1 in.) thick and in determining this thickness, the depth of the grooves in the non-skid surface and

the diameter of any hole extending from one side of the step to the other must not be counted.

(4) Each step must be at least 480 mm (19 in.) long.

(5) Each step must be designed so that it can be removed and replaced without unstringing the ladder. If special replacement steps are made to meet this requirement, the replacement steps must meet the requirements of this section.

(6) If a step has grooves for its suspension members, the grooves must be in the sides of the steps.

(7) The spacing from the top of one step to the top of the next step must be uniform and this spacing must be between 300 mm (12 in.) and 350 mm (13¾ in.).

(8) Each step must be a bright orange color, except that this color is not required for the non-skid surface. If a step is painted, it must be painted with a two-part epoxy paint intended for marine use, or a paint of equivalent durability.

(9) The height of each device attached to the step for securing the suspension members must not be more than one-half the width of the step so that the step is not prevented from rolling if the ladder is caught between a pilot boat and the hull of the vessel.

(d) *Spreaders.* Each pilot ladder with 9 or more steps must have one or more spreaders that meet the following requirements:

(1) Each spreader must be at least 1.8 m (70 in.) long.

(2) The spreaders must be positioned at intervals of not more than 9 steps.

(3) The lowest spreader on a ladder must be on the fifth step from the bottom.

(e) *Fasteners.* Each fastening device securing a part of a pilot ladder must have a means to prevent the device from loosening.

(f) *Workmanship.* A pilot ladder must not have splinters, burrs, sharp edges, corners, projections, or other defects that could injure a person using the ladder.

(g) *Special arrangements for pilot hoists.* Each pilot ladder produced for use with an approved pilot hoist must have at least 8 steps. The top ends of its suspension members need not have an eye splice or thimble or be arranged as required in paragraph (b) of this section if necessary to permit attaching the ladder to fittings of a particular pilot hoist.

§ 163.003–15 Performance.

(a) Each pilot ladder must be capable of being rolled up for storage.

(b) Each ladder when rolled up must be able to unroll freely and hang vertically.

(c) Each suspension member must be arranged so that, when the ladder is in use on a vessel, the suspension member cannot come in contact with the vessel's side.

(d) Each step must be arranged so that it can bear on the side of the vessel when the ladder is in use.

§ 163.003–17 Strength.

(a) Each pilot ladder must be designed to pass the approval tests in § 163.003–21.

§ 163.003–21 Approval tests.

(a) *General.* Each approval test must be conducted on a ladder of the longest length for which approval has been requested. If the ladder fails one of the tests, the cause of the failure must be identified and any needed design changes made. After a test failure and any design change, the failed test, and any other previously completed tests affected by the change, must be rerun. Any ladder step that has a residual deflection after testing under this section may not be used thereafter in any ladder represented as Coast Guard approved.

(b) *Visual examination.* Before starting the approval tests, an assembled pilot ladder is examined for evidence of noncompliance with the requirements in §§ 163.003–11, 163.003–13, and 163.003–15.

(c) The following approval tests must be conducted:

(1) *Step flexibility test.* This test is performed on six different steps, one of which must be a molded step and one of which must be a replacement step if special replacement steps are made by the manufacturer. Each step is placed on a pair of supports located at the points where the step would ordinarily be attached to the suspension members. A static load must be applied uniformly for a period of at least one minute over a contact surface that is at the center of the step and is approximately 100 mm (4 in.) wide. The load must be 150 kg (330 lb.) for each molded step that is used only as one of the four bottom steps in the ladder. The load must be 320 kg (700 lb.) for each other step. The deflection of the step is measured while the step is under load and after the load is removed. The step must not deflect more than 20 mm (¾ in.) under the load, and there must be no residual deflection after the load is removed.

(2) *Strength test #1.* An assembled ladder is supported so that a static load, if placed on any of its steps, would exert a force on both the step and each suspension member. A static load of 900 kg (2,000 lb.) is then placed on one step for at least one minute. The load must be uniformly distributed over a contact surface that is approximately 100 mm (4 in.) wide. The center of the contact surface must be at the center of the step. This test is performed on six different steps, one of which must be a molded step. None of the steps may break or crack. No attachment between any step and a suspension member may loosen or break during this test.

(3) *Strength test #2.* An assembled ladder is suspended vertically to its full length. A static load of 900 kg (2,000 lb.) is then applied to the bottom step of the ladder so that it is distributed equally between the suspension members. The suspension members, and inserts must not break, incur any elongation or deformation that remains after the test load is removed, or be damaged in any other way during this test.

(4) *Strength test #3.* A rolled up ladder is attached to anchoring fixtures in a location away from any wall or structure that would prevent it from falling freely, and where it can hang to its full length vertically. The ladder when dropped must unroll freely. When unrolling the ladder, its steps and attachments must not become cracked, broken, or loosened. Other similar damage making the ladder unsafe to use must likewise not occur.

(5) *Step friction test.* One step of each type used on a pilot ladder must be subjected to this test. This test compares the dry and wet surface friction characteristics of ladder steps with those of a standard oak step.

(i) The standard step must have a surface of clean oak that meets S/163.003–11(b) and that is 115 mm (4½ in.) wide by 400 mm (16 in.) long. The stepping surface must have grooves that are 3 mm (⅛ in.) deep and 3 mm wide. The grooves must run in two different directions at right angles to each other, and at 45 degree angles with each edge of the stepping surface, so that the grooves form a diamond pattern covering the stepping surface. The centers of all parallel grooves must be 13 mm (½ in.) apart.

(ii) The standard step must be set in a level position. A metal block must be placed on one end of the step so that the block is in contact with the stepping surface. The metal block must weigh between 1.5 kg (3.3 lb.) and 3.0 kg (6.6 lb.) and must not be more than 100 mm (4 in.) wide by 135 mm (5⅜ in.) long. The surface of the block in contact with the step must have leather or composition shoe sole material attached to it.

(iii) The end of the step that has the metal block on it must be slowly raised until the block starts to slide. The angle of the step in this position must be measured and recorded. The step and block must then be placed under water and the procedure repeated.

(iv) The procedure in paragraph (c)(6)(iii) of this section must be repeated using a pilot ladder step in place of the standard step.

(v) The ladder step must then be secured in a horizontal position with a block resting on its stepping surface. The block must be of a size similar to the one used in the previous tests and have the same shoe sole surface used in the previous tests. The block must be arranged to apply a vertical load of 40 kg (88 lb.) to the step. The block must be then moved back and forth in the same line from one end of the stepping surface to the other. This must be done for a total of 1,500 cycles.

(vi) The step must again be tested as described in paragraph (c)(6)(iii) of this section, except that the initial position of the block must be on a part of the stepping surface that was subjected to the 1,500 cycles of rubbing.

(vii) The angles at which the block starts to slide on a wet and dry ladder step when tested under paragraphs (c)(6)(iv) and (c)(6)(vi) of this section must be equal to or greater than the corresponding angles measured for the standard step when tested under paragraph (c)(6)(iii) of this section.

§ 163.003-25 Marking.

(a) Each pilot ladder step manufactured under Coast Guard approval must be branded or otherwise permanently and legibly marked on the bottom with—

(1) The name of the manufacturer;

(2) The manufacturer's brand or model designation;

(3) The lot number or date of manufacture; and

(4) The Coast Guard approval number.

§ 163.003-27 Production tests and examination.

(a) *General.* Each ladder produced under Coast Guard approval must be tested in accordance with this section and Subpart 159.007 of this chapter. Steps that fail testing may not be marked with the Coast Guard approval number and each assembled ladder that fails testing may not be sold as Coast Guard approved.

(b) *Test No. 1: Steps.* Steps must be separated into lots of 100 steps or less. Steps of different types must be placed in separate lots. One step from each lot must be selected at random and tested as described in § 163.003-21(c)(2) except that supports are placed under the step at the points where it would be attached to suspension members in an assembled ladder. If the step fails the test, ten more steps must be selected at random from the lot and tested. If one or more of the ten steps fails the test, each step in the lot must be tested. No step that has any residual deflection after the test may be used in a ladder represented by the manufacturer as Coast Guard approved.

(c) *Test No. 2: Ladders.* Assembled ladders must be separated into lots of 20 ladders or less. One ladder must be selected at random from the ladders in each lot. The ladder selected must be at least 3 m (10 ft.) long or, if each ladder in the lot is less then 3 m long, a ladder of the longest length in the lot must be selected. The ladder must be tested as prescribed in § 163.003-21(c)(3) except that only a 3 m section of the ladder need be subjected to the static load. If the ladder fails the test, each other ladder in the lot must be tested.

(d) *Independent laboratory.* Each production test must be conducted or supervised by an independent laboratory. However, if a test is performed more than 4 different times per year, laboratory participation is required only 4 times per year. If the laboratory does not participate in all tests, the times of laboratory participation must be as selected by the laboratory. The times selected must provide for effective monitoring throughout the production schedule.

(e) *Visual examination.* The visual examination described in § 163.003-21(b) must be conducted as a part of each production test.

§ 163.003-29 Effective date and status of prior approval.

(a) Approval certificates for pilot ladders issued under Subpart 160.017 terminate on March 31, 1982.

(b) Applications for approval of pilot ladders under this subpart will be accepted on and after December 31, 1982.

(c) In previous regulations, pilot ladders were referred to as Type I—Rope Suspension Ladders.

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Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-166]

Organization and Delegation of Powers and Duties; Superfund

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Final rule.

SUMMARY: DOT delegates to appropriate Departmental officials functions vested in the Secretary by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and by Executive Order 12316, Response to Environmental Damage.

DATE: This amendment becomes effective December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

Executive Order 12316 of August 14, 1981 (46 FR 42237; August 20, 1981) delegates to various officials of the Executive Branch functions vested in the President by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (94 Stat. 2796; 42 U.S.C. 9615) ("Superfund"). A number of the functions are delegated to the Secretary of Transportation specifically and a number are delegated to the Secretary of the department in which the Coast Guard is operating (currently, DOT; in case of war or order of the President, Coast Guard transfers to the Navy under 14 U.S.C. 3). This document delegates to the Commandant of the Coast Guard the second type of functions and to other appropriate DOT officials the first type.

Not all functions of the second type are being delegated to the Coast Guard. Pursuant to section 8(f) of the Executive Order, a number of these functions have been delegated to the Administrator of the Environmental Protection Agency (EPA). A copy of the agreement between DOT and EPA on those functions appears below and the delegation to Coast Guard reflects this agreement.

Finally, one section of Superfund itself vests authority directly in the Secretary: § 108(a)(3), concerning denial of entry and detention of vessels not evidencing the financial responsibility required by § 108(c)(1); that is also delegated to the Coast Guard.

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

1. Section 1.46 is amended by adding at the end thereof the following new

paragraphs (ff) and (gg), to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

The Commandant of the Coast Guard is delegated authority to—

* * * * *

(ff) Carry out the functions vested in the Secretary by section 106(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (94 Stat. 2796; 42 U.S.C. 9615).

(gg) Carry out the functions vested in the Secretary by sections 2(d) (f), and (g); 3(a); and 4(b) of Executive Order 12316 insofar as they relate to—

(1) Responses to releases or threats of releases from vessels,

(2) Immediate removal action concerning releases or threats of releases at facilities other than active or inactive "hazardous waste management facilities" (as defined in 40 CFR 122.3), and

(3) Immediate removal action concerning releases or threats of releases at active or inactive "hazardous waste management facilities" only when the Coast Guard On-Scene Coordinator determines that such action must be taken pending the arrival on scene of an Environmental Protection Agency On-Scene Coordinator. Unless otherwise agreed upon by EPA and Coast Guard, this authority will not be exercised unless the EPA OSC is scheduled to arrive on scene within 48 hours of notification of the release or threat.

As used in this paragraph, "immediate removal action" includes any removal action which, in the view of the Coast Guard On-Scene Coordinator, must be taken immediately to prevent or mitigate immediate and significant harm to human life or health, to the environment, or to real or personal off-site property. Situations in which such actions may be taken include, but are not limited to, fire, explosions, and other sudden releases; human, animal, or food chain exposure to acutely toxic substances; and the contamination of a drinking water supply. All functions listed in this paragraph include the authority to contract for, obligate monies for, and otherwise arrange for and coordinate the responses included within such functions.

2. Section 1.47 is amended by adding at the end thereof a new paragraph (m), to read as follows:

§ 1.47 Delegations to Federal Aviation Administrator.

The Federal Aviation Administrator is delegated authority to—

* * * * *

(m) Carry out the functions vested in the Secretary by sections 4(a) and 5(c) of Executive Order 12316 of August 14, 1981 (46 FR 42237; August 20, 1981) (delegating sections 107(c)(1)(c) and 108(b), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1981, Pub. L. 96-510), insofar as they relate to aircraft.

3. Section 1.48 is amended by adding at the end thereof a new paragraph (w), to read as follows:

§ 1.48 Delegations to Federal Highway Administrator.

The Federal Highway Administrator is delegated authority to—

* * * * *

(w) Carry out the functions vested in the Secretary by sections 4(a) and 5(c) of Executive Order 12316 of August 14, 1981 (46 FR 42237; August 20, 1981) (delegating sections 107(c)(1)(c) and 108(b), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1981, Pub. L. 96-510), insofar as they relate to motor carriers.

4. Section 1.49 is amended by adding at the end thereof a new paragraph (x), to read as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

The Federal Railroad Administrator is delegated authority to—

* * * * *

(x) Carry out the functions vested in the Secretary by sections 4(a) and 5(c) of Executive Order 12316 of August 14, 1981 (46 FR 42237; August 20, 1981) (delegating sections 107(c)(1)(c) and 108(b), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1981, Pub. L. 96-510), insofar as they relate to rolling stock.

5. Section 1.53 is amended by adding at the end of paragraph (a) a new subparagraph (7), to read as follows:

§ 1.53 Delegations to the Administrator of the research and special programs.

Administration. The Administrator of the Research and Special Programs Administration is delegated authority to exercise powers and perform duties, including duties under the specified statutes as follows:

(a) *Pipelines.* * * *

(7) Sections 4(a) and 5(c) of Executive Order 12316 of August 14, 1981 (46 FR 42237; August 20, 1981) (delegating sections 107(c)(1)(c) and 108(b), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1981, Pub. L. 96-510), insofar as they relate to pipelines.

* * * * *

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

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

Andrew L. Lewis, Jr.,

Secretary of Transportation.

Instrument of Redelegation

In accordance with Section 8(f) of Executive Order 12316 of August 14, 1981, the Secretary of the Department in which the Coast Guard is operating hereby redelegates to the Administrator, Environmental Protection Agency, subject to the Administrator's consent, all functions specified in sections 2(d), 2(f), 2(g), 3(a), and 4(b) of that Executive Order with the exception of the following:

a. Functions related to responses to releases or threats of releases from vessels;

b. Functions related to immediate removal action concerning releases or threats of releases at facilities other than active or inactive "hazardous waste management facilities" (as defined in 40 CFR 122.3); and

c. Functions related to immediate removal action concerning releases or threats of releases at active or inactive "hazardous waste management facilities" when the Coast Guard On-Scene Coordinator determines that such action must be taken pending the arrival on scene of an Evironmental Protection Agency On-Scene Coordinator. Unless otherwise agreed upon by EPA and Coast Guard, this authority will not be exercised unless the EPA OSC is scheduled to arrive on scene within 48 hours of notification of the release or threat.

For purposes of this instrument: the term "immediate removal action" includes any removal action which, in the view of the Coast Guard on-Scene Coordinator, must be taken immediately to prevent or mitigate immediate and significant harm to human life or health, to the environment, or to real or personal offsite property. Situations in which such action may be taken include, but are not limited to, fire, explosions, and other sudden releases; human, animal, or food chain exposure to acutely toxic sutstances; and the contamination of a drinking water supply.

All functions described in this instrument, whether redelegated or retained, include the authority to contract for, obligate monies for, and otherwise arrange for and coordinate the responses included within such functions.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

October 2, 1981.

I hereby consent to the redelegation as set forth in this instrument.

Anne M. Gorsuch,

Administrator

October 9, 1981.

[FR Doc. 81-36946 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Kangaroos; Effect of Final Decision To Permit Commercial Importation

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of interpretation.

SUMMARY: On April 29, 1981, the Service published in the **Federal Register** (46 FR 23929) a notice of final agency action authorizing the importation for commercial purposes of hides and parts of the red kangaroo (*Megaleia rufa*), the eastern gray kangaroo (*Marcropus giganteus*) and the western gray kangaroo (*Macropus fuliginosus*), species listed as threatened pursuant to the Endangered Species Act of 1973, 50 CFR 17.12. By this notice the Service notifies the public of the effect of the April 29, 1981 action in terms of interstate commerce in red, eastern gray, and western gray kangaroo hides and parts.

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

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703–235–2771).

SUPPLEMENTARY INFORMATION: The red, eastern gray, and western gray kangaroos were listed as threatened pursuant to the Endangered Species Act of 1973 on December 16, 1974 [39 FR 44990]. This listing prohibited the commercial importation of these kangaroos [50 CFR 17.40(a)(1)(i)], and also prohibited interstate commerce in unlawfully imported kangaroo [50 CFR 17.40(a)(1)(iii)]. Since the red, eastern gray, and western gray kangaroo are foreign species, the effect of the regulation was to make unlawful both importation of, and interstate commerce in, these species.

At the time of the listing, however, it was stated [50 CFR 17.40(a)(1)(i)(B)] that:

> Upon receiving from the Australian Government a certificate that (1) a particular Australian state has developed an effective sustained-yield program for such wildlife and (2) the taking of such wildlife in that state will not be detrimental to the survival of the species or subspecies of which such wildlife is a part, the Director may, consistent with the purposes of the Act, permit by publication in the **Federal Register** the commercial importation of any such wildlife originating from the state. . . .

In an April 29, 1981 **Federal Register** notice (46 FR 23929), the Service announced that the Australian States had met the conditions of 50 CFR 17.40(a)(1)(i)(B) for resuming commercial trade with the United States in the three kangaroo species. Commercial importation of kangaroo from these states was therefore permitted provided certain conditions relating to point of entry were met. Since the prohibition against interstate commerce applies only to unlawfully imported kangaroo and importation is now lawful, interstate commerce in these species is now also lawful. *See* 50 CFR 17.40(a)(1)(a)(1)(iii).

The Service thus interprets its April 29, 1981 action as authorizing, pursuant to an exemption provided for by regulation, [50 CFR 17.40(a)], the importation of, and interstate commerce in, the red, eastern gray, and western gray kangaroo.

G. Ray Arnett,

Assistant Secretary of the Interior.

[FR Doc. 81-37230 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Final rule.

SUMMARY: NOAA issues a final rule implementing the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). The FMP governs fishing for groundfish by United States and foreign fishing vessels in those parts of the Bering Sea and Aleutian Islands area that are subject to Federal fishery management jurisdiction under the Magnuson Fishery Conservation and Management Act. This action is necessary to assure optimum utilization while preventing overfishing of groundfish resources, and to ensure the regular collection of reliable information concerning the developing United States groundfish fishery. It is expected that this action will accomplish these objectives and that experience gained in applying the rule will provide insights concerning ways in which the efficiency and effectiveness of this fishery's management can be improved.

EFFECTIVE DATE: January 1, 1982, for all sections except §§ 611.93(d), 675.4, and 675.5(a). Section 675.4, Federal permits, and § 675.5(a), domestic reporting requirements, are not effective until February 1, 1982. Notice of the effective date of § 611.93(d) will be published later in the **Federal Register.**

ADDRESSES: Communication concerning this rule may be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, (907) 586–7221.

SUPPLEMENTARY INFORMATION:

Introduction

On October 19, 1979, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) preliminarily approved the fishery management plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP), under section 304 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, 90 Stat. 331, as amended, 16 U.S.C. 1801 *et seq.*, (Magnuson Act)). The FMP had been prepared by the North Pacific Fishery Management Council (Council) under Magnuson Act sections 302 and 303 to govern fishing for groundfish by United States and foreign vessels in the fishery conservation zone (FCZ) of the Bering Sea and of that part of the North Pacific Ocean adjacent to Alaska west of 170° W. longitude. The FCZ, over which the Magnuson Act extends the exclusive fishery management authority of the United States, includes ocean areas lying between the seaward boundary of the State of Alaska (the "three-mile limit") and a line each point of which lies two hundred miles from the baseline used to measure the territorial sea, except for those areas lying west of the United States-Russia Convention line of 1867. The Assistant Administrator, acting under a delegation of authority from the Secretary of Commerce, has primary authority under the Magnuson Act for regulating fisheries carried out in the FCZ by all United States and foreign vessels. In addition, a State may enforce regulations consistent with those of the Assistant Administrator governing fishing in the FCZ by vessels "registered under the laws" of that State.

Pursuant to Magnuson Act section 305(a), the Assistant Administrator published the FMP and proposed regulations to implement the FMP in the

Federal Register on November 19, 1979, inviting public comments on both the FMP and the proposed regulations for 45 days ending January 18, 1980 (44 FR 66356). In light of the comments received and other information obtained following publication of the FMP and proposed regulations, the Assistant Administrator decided that a revised draft environmental impact statement (EIS) should be prepared on the proposed implementation of the FMP under the National Environmental Policy Act. The revised draft EIS was released for public review and filed with the Environmental Protection Agency on September 19, 1980. A final EIS, based upon the draft, the public comments received on the draft, and other information obtained since the release of the draft, was released and filed on November 20, 1981.

In addition to the original FMP, the EIS deals with certain amendments to the FMP that have been adopted or considered by the Council. These include Amendments 1a and 2, discussed further below. Public comments on these amendments to the FMP and proposed implementing regulations were published for a 45 day comment period on October 29, 1981 (46 FR 53475).

A draft regulatory analysis (RA) on implementation of the FMP was prepared in accordance with Executive Order 12044, 43 FR 12261 (March 24, 1978). Subsequently, Executive Order 12044 was superseded by Executive Order 12291, 46 FR 13193, February 19, 1981, requiring the preparation and submission to the Office of Management and Budget (OMB) of a regulatory impact analysis (RIA) on any "major rule." In addition, the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1165, 5 U.S.C. 601 *et seq.*), requiring the preparation of a regulatory flexibility analysis (RFA) on any rule which has been determined by the Administrator of NOAA "have a significant economic impact on a substantial number of small entities" took effect on January 1, 1981.

Under interim procedures required by the National Marine Fisheries Service (NOAA) to implement Executive Order 12291 and the Regulatory Flexibility Act, a regulatory impact review (RIR) was prepared that analyzed the extent to which this final rule may be burdensome or would significantly impact a number of small business entities. On the basis of this analysis, the Administrator has determined that the final rule is not major under Executive Order 12291 and is not significant within the meaning of the Regulatory Flexibility Act.

The Assistant Administrator, upon consideration of the comments received on the notice of proposed rulemaking:

(1) Finds that the FMP is consistent with the National Standards of Magnuson Act section 301, with other provisions of the Magnuson Act, and with other applicable law; and

(2) Promulgates this final rule to implement the FMP.

The Assistant Administrator takes this action under Magnuson Act section 305(c).

The final rule includes certain reporting requirements, which have been approved by the Director, Office of Management and Budget, under the Paperwork Reduction Act of 1980. The OMB control numbers are as follows:

Federal Permit application, OMB 648–0097; domestic reporting requirements, OMB 648–0016; domestic intent to process form, OMB 648–0114. Domestic fishermen should note that the Federal requirement that a State of Alaska fish ticket be submitted for each sale or delivery of groundfish within the State of Alaska, proposed at § 675.5 (a), has been eliminated. These final regulations do not duplicate valid State of Alaska reporting requirements, which remain in effect with respect to fishing for groundfish in the Bering Sea and Aleutian Islands area. The recordkeeping provisions at § 611.93(d) have been submitted to OMB. They are not effective until OMB approval has been obtained. A notice will be published in the Federal Register at that time.

A number of specific points were raised in the comments on the notice of proposed rulemaking, and these are responded to below. Comments on the draft EIS are responded to in the final EIS. In addition, several issues were raised repeatedly in the sources of information enumerated above. These sources draw heavily upon experience gained in the actual management of the foreign fishery during the past five years under the Preliminary Fishery Management Plan for the Trawl Fisheries and Herring Gillnet Fishery of the Bering Sea and Northeast Pacific (PMP). During this time, the PMP and its implementing rules have prescribed management measures for the foreign fishery that are substantially identical to those of the FMP. These general issues, which received detailed treatment in the sources mentioned above, will now be discussed in turn.

General Issues Concerning Approval and Implementation of the FMP

1. *Treatment of "Prohibited Species" Under the FMP*

The most controversial issue that was considered by the Council and the Assistant Administrator during the development and review of the FMP was whether and what kinds of restrictions should be imposed on foreign groundfish operations for the protection of "prohibited species," in addition to the restrictions imposed for that purpose by current regulations on foreign fishing operations in the FCZ generally.

The groundfish species of the Bering Sea and Aleutians that are the primary targets of the fishery governed by the FMP are commingled throughout their range, and particularly in the eastern Bering Sea, with salmon, halibut, king crab, and Tanner crab, as well as with a wide variety of other marine life. The trawl gear that currently provides the most efficient means of exploiting most groundfish in the area, particularly the vast pollock stocks, is unselective, catching all forms of marine life that it encounters, whether or not it is a target groundfish species. Because of the close association of the target groundfish species with other forms of marine life, the Council and Assistant Administrator could have included the "incidental catch" of all those other marine life forms, except for marine mammals, in the fishery covered by the FMP under the wide discretion granted them by Magnuson Act section 306, which defines the term "fishery" as one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of "geographic, scientific, technical, recreational, and economic characteristics," and "any fishing for such stocks." Once the incidental catch of these other marine life forms was included as part of the "fishery," it would have constituted part of the "optimum yield" (OY) of the fishery, to be allocated between United States and foreign vessels in a manner related to their respective expected harvests of the target groundfish species. In fact, the FMP treats the great majority of the marine life that is caught incidentally to the target groundfish species in just this way. It divides them into "other species," which have some commercial value, to which a single OY figure applies, and "nonspecified species," a residual category of creatures having little or no current commercial value, the OY for which is defined as the amount actually taken

incidentally to the harvest of the "target" and "other" groundfish species. Both types of species, like the target groundfish species, may be retained when caught.

While the Magnuson Act would have permitted similar treatment of salmon, halibut, king crab, and Tanner crab, both the Council and the Assistant Administrator have determined as a matter of policy that they should be treated more stringently. Unlike most of the other species that are caught incidentally to the groundfish fishery, each of these four types of fish is the target in its own right of one or more other fisheries which are extemely lucrative to the United States fishermen. In addition, they are so valuable in comparison to the target groundfish species that there is strong reason to believe that vessels ostensibly fishing for groundfish would begin to target on the salmon, halibut, or crabs if they were allowed to be retained. In recognition of this situation, which also exists for other species in other regions of regulation, 50 CFR 611.13 designates a category of "prohibited species" which may not be targeted upon, the incidental harvest of which must be minimized, and which may not be retained.

A species may be declared "prohibited" to foreign vessels by excluding it from the "fishery" to which a FMP applies, so that its incidental harvest in that fishery does not form a component of that fishery's OY. Because no OY figure is recognized for the species in that fishery, none of it can be allocated as part of the total allowable level of foreign fishing (TALFF) for that fishery, and it is a prohibited species to that fishery.

Until 1981, salmon, halibut, Tanner crab and king crab, as well as several fish of lesser importance, were treated as prohibited species and made subject to the requirements of 50 CFR 611.13 without any additional limitations. Foreign vessels in the groundfish fishery were therefore required only to minimize their incidental catch of these species and to return them to the seas with a minimum of injury regardless of condition. In addition, certain time and area closures, such as those of the Bristol Bay Pot Sanctuary and the Winter Halibut Savings Area, were imposed partly to reduce incidental catches of crab and halibut.

During 1979 and 1980, however, it appeared that the incidental catch of chinook salmon in the groundfish fishery had risen sharply. This gave rise to concern by residents of western Alaska, who harvest these salmon for commercial and subsistence purposes when they return to spawn in the Yukon and Kuskokwim river systems that continuation of the foreign groundfish fishery in the Bering Sea without further restrictions would endanger the Alaskans' livelihood. Through administrative and judicial means, they sought unsuccessfully to have the eastern Bering Sea closed to foreign groundfish trawling between October and March, the period when the concentration of Alaska salmon in that area is highest. Subsequently, they entered into negotiations with representatives of the Japanese groundfish trawl industry to arrive at mutually agreeable measures for further limitation and reduction of the incidential chinook salmon catch. They agreed upon a system by which an area of the central Bering Sea would be closed for the winter to trawling after a certain annual amount of salmon had been caught incidentially by the foreign groundfish fishery. This amount was 65,000 fish for calendar year 1981 and 55,250 fish for 1982. The Council adopted this agreement as Amendment 1a to the FMP. Proposed rules to implement the amendment were published on October 9, 1981 (46 FR 53475).

Concurrently with the controversy and negotiated settlement concerning the incidental catch of salmon, the Council has been considering more comprehensive and permanent proposals for the long term reduction of prohibited species incidental catches. At its meeting of September 24–25, 1981, the Council adopted Amendment 3 to the FMP, prescribing management standards and procedures designed for this purpose, and treating halibut, king crab, and Tanner crab, as well as salmon.

2. Treatment of Herring Under the FMP

Pacific herring is an unavoidable incidental catch in the groundfish trawl fishery of the Bering Sea and Aleutian Islands Area, particularly in the eastern Bering Sea. From 1977 through 1979, foreign vessels were allowed to catch and retain Pacific herring under the PMP's herring regulations. However, the U.S. District Court in Alaska nullified the PMP's herring regulations, and there has been no foreign fishery for herring in 1980 or 1981. Instead, herring have been treated as a prohibited species.

The Assistant Administrator has determined that the herring provisions of the PMP will remain in effect when this Bering Sea and Aleutian Islands Area groundfish FMP is implemented. Because data on the herring stock are scanty when the herring are offshore, the special reporting requirements under the PMP are retained in § 611.93(d) of these final regulations, and expanded to include the reporting of retained "non-specified species." This section requires foreigners to notify the U.S. Coast Guard when they enter or leave the geographic area in which herring congregate during September through April, and to provide weekly reports of the herring catch, even though herring must be discarded.

The Council is preparing an FMP for herring. It probably will limit offshore harvest to the true incidental catch rate. A limited foreign fishery on herring may be allowed in special circumstances.

3. The Effects of the Fishery Under the FMP on Marine Mammals and Birds and Endangered Species

In a biological opinion issued under section 7 of the Endangered Species Act of 1973, the Assistant Administrator concluded that implementation of the FMP would not jeopardize the continued existence of endangered whales in the Bering Sea and Aleutians, or their critical habitat. This opinion is included as part of the final EIS. The fishery, as it would be carried out under the FMP would, however, have significant effects on other marine mammal species in the area, including pinnipeds and sea otters, which occur in great numbers. (Many of the marine mammals are relied upon for subsistence by Alaska Natives.) These effects are of two major kinds: direct injury of marine mammals by groundfish trawl gear, and food competition by the fishery with marine mammals. Like the other forms of marine life discussed above, marine mammals caught in groundfish trawl gear are unlikely to survive. Marine mammals feed on the target groundfish species, and there is evidence that their numbers in recent years have been lower than they would have been in the absence of the groundfish fishery. Both of the effects of the fishery appear to have had the greatest impact on the northern sea lion and the northern fur seal. The OY specifications for groundfish prescribed in the FMP have been depressed in order to reduce the level of food competition with marine mammals. In addition, the Assistant Administrator has determined, on the basis of information presented in the FMP and the final EIS, that all marine mammals that are likely to be affected significantly by the fishery are at their optimum sustainable population (OSP) levels, and are not likely to be reduced to levels below OSP by the fishery as it would be conducted under the FMP. Fishery operations that are likely to result in the direct taking of marine mammals must be conducted under a certificate of inclusion issued by the Assistant Administrator under a general permit for the taking of marine mammals

incidental to commercial fishing operations. The Assistant Administrator has therefore concluded that implementation of the FMP will comply with both the spirit and the letter of the Marine Mammal Protection Act of 1972.

The fishery also has the same kinds of effects, though probably to a lesser extent, on the many marine birds that inhabit the Bering Sea and Aleutians, including some species that are protected under the Migratory Bird Treaty Act (MBTA). Birds protected under the MBTA tend to congregate in the area of groundfish trawling operations, and are occasionally captured in the trawl gear. Any such capture that was intended or negligently caused by those conducting the trawling operations would be a "taking" in violation of the MBTA.

The question has been raised whether food competition between the fishery and marine birds might not constitute a "taking" of such birds under the MBTA. The Assistant Administrator's analysis of judicial interpretation of the MBTA reveals that the courts have extended the MBTA's concept of "taking" beyond its longstanding reference to hunting or other direct killing or wounding of birds to include certain limited circumstances in which birds are directly poisoned by toxic pollutants released into the environment in ways that give rise to liability for negligence or to strict liability at common law. *United States* v. *Corbin Farm Service*, 44 F. Supp. 510 (E.D. Cal.), *affirmed in part*, 578 F.2d 259 (9th Cir. 1978); *United States* v. *FMC Corporation*, 428 F. Supp. 615 (W.D.N.Y. 1977), *affirmed* 572 F.2d 902 (2nd Cir. 1978). Thus, the fact that fishing operations under the FMP may compete to some extent with migratory birds for food does not appear to render these operations in violation of the MBTA.

4. Whether Additional Restrictions Should Be Imposed on the Use of Bottom Trawls

It is believed that the use of trawl gear that is deployed several feet from the ocean floor would substantially reduce the adverse effects of groundfish trawling on the benthic environment and would reduce incidental catches of crab and halibut. Almost all trawl gear currently in use in the Bering Sea and Aleutians remains in contact with the bottom during fishing operations. Despite the benefits of off-bottom trawl gear, the Assistant Administrator has determined that a requirement that it be used should not be included in the FMP at this time. Because flounders and other flatfish that are heavily relied upon by both the foreign and the United States groundfish fisheries cannot be caught with off-bottom trawl gear, it is highly likely that any off-bottom requirement extensive enough to have significant benefits would cause great economic distress to current participants in the fishery, and would leave flatfish resources largely unutilized. If an off-bottom requirement is found to be particularly helpful in limited areas, it might be imposed in such areas through later amendment of the FMP. The Assistant Administrator considers it more realistic to expect longline harvest of flatfish to substitute economically for trawling in such limited areas rather than in the entire fishery area. When more limited areas are subjected to an off-bottom requirement, foreign trawl vessels already in the fishery can shift to other areas and foreign longline vessels already available to the fishery can intensify their efforts in the more limited areas without a massive dislocation of capital investment. An off-bottom requirement throughout the fishery imposed on United States fishing vessels would also seriously cripple United States efforts to establish a viable groundfish fishery. This would be contrary to the purposes of the Magnuson Act. Even if imposed in limited areas, an off-bottom trawl requirement would be difficult to enforce without greatly increased enforcement resources.

5. Limitations on Fishing by United States Vessels in the Bristol Bay Pot Sanctuary and the Winter Halibut Savings Area

The FMP as adopted by the Council imposes certain restrictions on groundfish fishing by United States vessels in the Bristol Bay Pot Sanctuary and the Winter Halibut Savings Area, which lie just north of the Alaska Peninsula and northern Aleutians. The FMP would allow United States vessels to trawl in the Pot Sanctuary only during open seasons for United States crab fisheries. It would allow United States trawling in the Savings Area between December 1 and May 31 only until the United States trawl catch of groundfish equaled 2,000 metric tons (mt); and would permit United States longlining landward of the 500 meter isobath only until the United States longline catch of groundfish, excluding halibut, equaled 2,000 mt. More stringent restrictions in foreign fishing would be imposed in each area.

Following adoption of the FMP by the Council, representatives of United States groundfish fishing interests protested against the proposed restrictions on United States fishing in the Pot Sanctuary and Savings Area. Following publication of the notice of proposed rulemaking, the Council voted to decrease the size of the Savings Area by eliminating the "Misty Moon" grounds south of the Pribilof Islands, and also voted to allow a closely monitored United States groundfish fishery in both the Pot Sanctuary and the Savings Area on a year-round basis. These changes to the FMP have been incorporated into Amendment 1, which is now under review by the Assistant Administrator. Even though Amendment 1 has not yet been approved, the Assistant Administrator has decided to accommodate the concern of the United States groundfish industry, and the Council's intent by deleting from this final rule any provisions that would implement the current restrictions in the FMP on United States fishing in both the Pot Sanctuary and Savings Area. Restrictions on foreign fishing in the "Misty Moon" grounds also are deleted.

6. Implementation of the FMP Before Amendments 1 and 3 Are Approved and Implemented

Four amendments to the FMP have thus far been adopted by the Council and submitted to the Secretary for approval. Amendment 1 puts the OY specification for target and "other" groundfish species on a multispecies basis, with provision for fluctuation from year to year in the total OY and the allowable catch of each species group. Amendment 1 also increases the authority of the Secretary to impose in-season time and area closures; revises the estimates of DAH; changes the restrictions on United States fishing in the Pot Sanctuary and Savings Area, as described above, as well as reducing the size of the Savings Area; and specifies that the fishing year under the plan is the same as the calendar year.

Amendment 1a incorporates into the FMP the measures for reducing the salmon incidental catch, described above. Amendment 2 changes certain allowable catch specifications for Pacific cod and yellowfin sole, reflecting recent increases in the United States harvest of those species. Amendment 3 introduces to the FMP the comprehensive management measures for conservation of prohibited species discussed above.

The Assistant Administrator has not yet completely evaluated Amendments 1 and 3, or the scientific information on which they are based. He has concluded, however, that there is nothing in the information upon which these amendments were based that would render the FMP, as implemented by this final rule, inconsistent with the Magnuson Act or other applicable law.

even if that information is eventually accepted by the Assistant Administrator as the best available scientific information. Except for Pacific cod and yellowfin sole, the data on stock condition upon which Amendment 1 is based would support the OY level currently specified in the FMP. The DAH figures set forth in Amendment 1 can, with the exception of the figures for these two species, be effected through the FMP's current flexible system of reserve releases, a fact that has been demonstrated by practice under the PMP. As was discussed above, the incidental catches of halibut, king crab, and Tanner crab have not presented the same problems as those of salmon in recent years, so that the FMP can be implemented before the approval and implementation of Amendment 3 without the serious risk of harm to these species.

In contrast with Amendments 1 and 3, Amendments 1a and 2 respond to significant changes in relevant information about the fishery that have occurred since the FMP was adopted by the Council. While opinions on the urgency of the two amendments, particularly Amendment 1a, have differed, the Assistant Administrator considers both of them, in light of the new information, to be highly desirable additions to the FMP that should be implemented as soon as possible. The Assistant Administrator has evaluated the new information upon which these two amendments are based in his consideration of similar amendments to the PMP, which he has implemented, and has found that information to be the best scientific information available. Amendments 1a and 2, published as proposed rules on October 29, 1981 (46 FR 53475) will be implemented early in 1982.

More detailed discussion of these general issues, as well as others that were raised in the course of the FMP's development and consideration, can be found in the final EIS and the RIR, as well as in the FMP itself and its amendments. All of these documents are available free of charge upon request from the Regional Director at the address listed above.

Responses to Specific Comments on the Notice of Proposed Rulemaking

In response to the notice of proposed rulemaking, the Assistant Administrator received comments on the FMP and proposed rules from ten interested persons, agencies, and organizations. The substantive points raised in these comments will now be addressed. The names of those submitting each comment appear after the comment, in parentheses.

(1) *Comment:* The eastern Bering Sea should be closed to foreign trawling from November 1 through March 1 to reduce the incidential catch of salmon. (Nunam Kitlutsisti)

Response: Amendment 1a to the FMP responds to this concern as was discussed above. Nunam Kitlutsisti is a party to the agreement with the Japanese trawl industry upon which Amendment 1a is based.

(2) *Comment:* The original FMP's restrictions on fishing by United States vessels in the Pot Sanctuary and Halibut Savings Area are so stringent as to threaten the development of United States groundfish fisheries, and should be relaxed. (Steuart Fisheries, Marine Resources Company, Daniel E. Webster, Marine Construction and Design Company)

Response: The Council has voted to relax the original FMP's restrictions on United States fishing in the Pot Sanctuary and Savings Area, as was discussed above, and the new measures are part of Amendment 1. Pending approval and implementation of Amendment 1, the restrictions currently contained in the FMP will not be implemented by this final rule.

(3) *Comment:* The OY for Pacific cod should be raised in light of a recent increase in abundance. (Japanese fishing industry)

Response: Amendment 2 raises the Pacific cod OY.

(4) *Comment:* The OY for the fishery, and particularly the pollock component of the OY, should be increased. (Government of Japan; North Pacific Fisheries Development Association of Korea)

Response: Given the best available scientific information, as determined by the Council and the Assistant Administrator, and the objectives of rebuilding depleted stocks and minimizing the impact of the groundfish fishery on other components of the ecosystem, the OY specifications of the FMP as modified by Amendment 2 are appropriate.

(5) *Comment:* A separate pollock OY should not be specified for the Aleutians. (Government of Japan)

Response: The Assistant Administrator has concluded that there is good evidence supporting the contention that the deep-water pollock resource found in the Aleutians is a separate stock. Therefore, a separate OY for this stock should be specified for the time being.

(6) *Comment:* The DAH specifications contained in the FMP are too high. (Government of Japan, North Pacific Longline-Gillnet Association)

Response: While the DAH specifications are generally much higher than the amounts of fish actually taken by United States fishermen in previous years, the erratic situation of the United States fishery and the sudden spurts of growth that have occurred in the past due to joint ventures or other markets make initial high DAH specifications reasonable. If, in the course, of the year, these amounts are not taken by United States vessels, the unused portions may be reassigned to TALFF.

(7) *Comment:* Because the DAH specifications are too high, there should be no reserves if DAH is left at the current level. (Government of Japan)

Response: See response to the immediately preceding comment. It has already proved necessary to supplement DAH for yellowfin sole, pollock, Atka mackerel, and "other species" with reserves under the identical provisions of the PMP.

(8) *Comment:* The FMP's provisions for transferring unused DAH and reserves to TALFF are desirable. (Government of Japan, North Pacific Longline-Gillnet Association)

Response: Comment noted.

(9) *Comment:* The introduction of the "nonspecified species" component of OY is desirable. (Government of Japan, North Pacific Longline-Gillnet Association)

Response: Comment noted.

(10) *Comment:* The FMP's establishment of a longline sanctuary is desirable. (North Pacific Longline-Gillnet Association)

Response: Comment noted.

(11) *Comment:* The foreign longlining restrictions in the Savings Area are unduly severe, because longlining results in a lower incidental catch of halibut than other fishing methods and most of them are returned to the sea alive and in good condition. (North Pacific Longline-Gillnet Association)

Response: The council and the Assistant Administrator regard protection of halibut in the Savings Area to be so important as to make even the limited foreign longline incidental catch undesirable. This is particularly so in light of the poor condition of the halibut resource in the Bering Sea and the relaxation of the restrictions on United States trawling originally contained in the FMP.

(12) *Comment:* A foreign nation's longline fishery should not be closed when that nation's allocation of "other species" is taken, because longline fisheries do not take any of the "other species" except for sculpins. This

provision fails to reflect the transfer rattails to the "nonspecified species" category. (North Pacific Longline-Gillnet Association)

Response: Comment accepted. The reference to "other species" in the FMP and regulatory provisions on fishery closure should have been changed as part of the introduction of the "nonspecified species" category, and appropriate changes are made in these final rules.

(13) *Comment:* The 500 meter isobath, which the FMP specifies as a boundary between open and closed fishing areas, is difficult to comply with and enforce, as there is no corresponding contour depicted on nautical charts. It should be replaced with specified distances from shore or geographically defined zones. (U.S. Coast Guard)

Response: This problem will be brought to the attention of the Council. While the Assistant Administrator cannot unilaterally make the suggested changes, and while the problem does not appear to warrant further delay in the FMP's implementation, this difficulty is worthy of prompt investigation.

(14) *Comment:* Prohibited species mortality would be reduced if the FMP either imposed a time limit within which catcher vessels must deliver cod ends to mother ships, or required that each catcher vessel sort its own catch for prohibited species before delivering it to a mother ship. (U.S. Coast Guard)

Response: The Assistant Administrator has considered such measures both for this and other fisheries. He has concluded both that such requirements would be extremely difficult to enforce and that the additional costs they would impose on foreign fisheries would be far out of proportion to any reduction in prohibited species mortality. Most salmon and halibut mortality seems to occur soon after the cod end is brought aboard the catcher vessel as a result of crushing, and could not be prevented even by prompt sorting of the catch.

(15) *Comment:* The FMP should require that foreign vessels provide a certified hold plan to enforcement personnel; and that they contain more prominent identifying markings. (U.S. Coast Guard)

Response: Both of these requirements are desirable. They are, however, relevant to enforcement needs nationwide and will be addressed by the Assistant Administrator on a more comprehensive basis.

(16) *Comment:* The rule's definition of "vessel of the United States" should be changed to include any vessel documented under the laws of the United States; any vessel numbered by a State or the Federal government under the Federal Boat Safety Act of 1971; and any non-powered vessel owned by a United States national and operated from a United States port. (U.S. Coast Guard)

Response: The rule's definition of "vessel of the United States" includes any vessel documented or numbered by the Coast Guard and any vessel which is "registered under the laws of any State." The comment appears to reflect an erroneous assumption that "registration" under State law is limited to vessel numbering by States under the Boat Safety Act. This is not the case, and the Assistant Administrator, as well as certain courts that have addressed the matter, have treated State "registration" under the Magnuson Act to include a broader range of the State fishing vessel licensing. One change that will be made to conform the rule to the definition of this term in the foreign fishing regulations is to clarify that registration under the laws of a State alone will make a vessel a "vessel of the United States" only if it weighs less than five net tons, and is therefore not subject to Federal registration.

(17) *Comment:* Both United States fishermen and enforcement personnel would benefit if fishermen were advised to monitor Channel 16, VHF–FM, or 2182 KHz for instructions; and if it were made clear that visual signals might also be used. (U.S. Coast Guard)

Response: Comment accepted. The suggested changes have been made.

(18) *Comment:* Formal constraints should be placed upon the discretion of the Regional Director to delegate his authority under the rule. (Steuart Fisheries)

Response: Since ultimate responsibility lies with the Secretary of Commerce, the proposed provision has been deleted from the final regulations.

(19) *Comment:* It is unclear whether the permit for a United States vessel to take part in the fishery remains valid if there is a change of ownership or gear, or if the vessel is chartered. (Steuart Fisheries)

Response: United States vessel permits for the fishery do not specify or restrict the kind of gear to be employed. A charterer of a permitted vessel does not require a new permit. The Regional Director must be notified within thirty days of a change of ownership, or of any other fact set forth in the permit application, but the permit will remain in effect unless the Regional Director takes affirmative action to revoke it.

(20) *Comment:* The Magnuson Act authorizes only the revocation of foreign vessel permits. To allow the revocation or suspension of a United States vessel permit for use of the vessel in the commission of a violation of the Magnuson Act would allow the government to impose a drastic penalty for minor violations or violations based on honest differences in interpretation. (Steuart Fisheries)

Response: 50 CFR Part 621, Subpart D, governs the imposition of permit sanctions under the Magnuson Act. Section 621.51(c) specifically provides that sanctions may be imposed on United States vessel permits. Neither section 303(b)(1) nor any other provision of the Magnuson Act limits the agency's authority to impose such sanctions on United States vessels. An entire section of the Magnuson Act, section 204, is devoted to foreign vessel permits, and this section provides for many details, including imposition of permit sanctions, that are left to the agency's discretion under the very general provisions of section 303(b)(1). United States participants in this fishery who commit serious violations of the Magnuson Act and this rule will be subject to permit sanctions, seizure and civil forfeiture, civil penalties, and criminal prosecution to the same extent as serious foreign violators. Each type of sanction is imposed only through administrative and judicial procedures, including opportunities for formal hearings, designed to ensure, among other things, that the penalty is proportionate to the seriousness of the violation.

(21) *Comment:* Because the State of Alaska might change the information required on its fish tickets, the rule should specify exactly what information fishermen must report for Federal purposes, rather than simply requiring submission of a State of Alaska fish ticket or equivalent document. (Steuart Fisheries)

Response: Because of the State of Alaska's expertise in collection of fishery data, the Assistant Administrator considers it advisable to retain the flexibility to implement improvements in the fish ticket form without amendment of the rule. Such changes would, however, be subject to the safeguards of the Paperwork Reduction Act of 1980.

(22) *Comment:* The requirements that United States fishermen submit catch reports within one week after sale or delivery and that United States processors submit reports on fish handled by them are excessively burdensome and unnecessary. (Steuart Fisheries)

Response: The Assistant Administrator disagrees with these assertions. The lack of data on the groundfish stocks subject to this fishery

represents the greatest obstacle to its sound conservation and full utilization. In season management measures and decisions on allocation among United States and foreign fishermen require that the progress of the fishery be closely monitored. It is imperative, therefore, that timely, accurate information on their catches be provided by United States fishermen. Most businesses maintain weekly records and therefore should be able to provide catch information within one week, if not sooner. Failure of United States fishermen to report their catches fully will merely increase the size of the allocations to the foreign fishery, for lack of evidence that the resource is being used by United States fishermen. Reports by United States fish processors on the amount of fish utilized by them is necessary for a determination of the amount of United States-harvested fish, if any, that can be made available to foreign processing vessels through joint ventures.

(23) *Comment:* The rule should clearly state that information required to be submitted under it is subject to the Magnuson Act's confidentiality requirements and that such information will not be used for enforcement purposes. (Steuart Fisheries)

Response: Information required to be submitted under this rule is subject to the confidentiality provisions of Magnuson Act section 303(d) and of 50 CFR Part 603. Nothing in these provisions forbids the use of such information by NOAA for enforcement purposes, and it will be so used to the extent consistent with other law.

(24) *Comment:* The rule's requirement that prohibited species be avoided and that the catch be sorted as soon as possible is unrealistic. In addition, the rebuttable presumption that any prohibited species on board was caught and retained in violation of the rule could result in penalties for a species that was on board only a short time after a catch was retrieved. The only rebuttable presumption authorized by the Magnuson Act is that of section 310(3) relating to civil forfeiture of vessels or catch. (Steuart Fisheries)

Response: The requirements on avoidance and sorting of prohibited species contained in the rule have been applied successfully in the foreign fishery for several years and are the backbone of the effort to minimize the impact of the groundfish fishery on these species. If anything, more stringent measures can be expected to be imposed on both foreign and United States participants in the groundfish fishery in future years. The rebuttable presumption that prohibited species found on board were taken and retained in violation of the rule is in addition to and distinct from the statutory presumption of Magnuson Act section 310(3) that all fish on board a seized fishing vessel were taken or retained in violation of that act. It should be apparent that the presumption would be rebutted if the prohibited species in question had just been brought on board with a groundfish catch before a reasonable time for sorting the catch had passed.

(25) *Comment:* It is indefensible to halt all fishing for groundfish when the OY for any single species group has been attained. (Steuart Fisheries)

Response: Because of the nonselective nature of most groundfish fishing gear, especially trawl gear, this measure is necessary for adequate conservation of the fishery. It has applied for years to foreign operations in this fishery and to both foreign and United States groundfish fisheries in the Gulf of Alaska.

(26) *Comment:* It is unfair to allow longlining to continue even after the OY for certain species has been attained when trawling must stop. (Steuart Fisheries)

Response: This difference in the treatment of longline and trawl gear is based on the facts that longline gear is more selective than trawl gear and that a much higher percentage of the fish caught on longline gear can be returned to the sea in viable condition.

(27) *Comment:* The rule should specify the procedures other than publication in the **Federal Register** to be used to publicize field orders. The 48-hour notice currently provided for in the State procedures, which are referred to in the rule, is insufficient. Closures without full opportunity for prior public comment should be allowed only in cases of true emergency. (Steuart Fisheries)

Response: The State of Alaska procedures for publicizing field orders have proven to be effective over a long period of time, and 48-hour notice of closures is sufficient to ensure that participants are adequately informed. The risk of closures on short notice is one that participants in any fishery, no matter how large, must be prepared to accept, due to the fluctuating characteristics of fishery resources. There is no reason to specify the State's procedures in detail in the rule, and this would simply make it more difficult for improvements in the procedure to be made. Closures by field order without prior public comment will be imposed only when there is "good cause" within the meaning of the Federal Administrative Procedure Act for not providing prior public notice and opportunity for comment.

Classification

As was discussed above, the NOAA Administrator has determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, because it will not result (1) in an annual effect on the economy of $100 million or more; (2) in a major increase in costs or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (3) in 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. By enhancing the long-term productivity of the groundfish fishery resources and thus increasing the long-term availability of this resource to U.S. and/or foreign fishermen and to consumers, this rule can be expected to enhance investment in, and the productivity of, the United States fishing industry. The Administrator has also certified that this rule will not have a significant economic impact on a substantial number of small entities, and thus does not require preparation of a regulatory flexibility analysis under 5 U.S.C. 603 and 604 of the Regulatory Flexibility Act.

The Administrator finds for good cause that it is impracticable, unnecessary, and contrary to the public interest to delay effectiveness of this rule for 30 days. That finding is based on the following:

1. A delay in the effective date of this rule would delay collection of information on amounts of fish being harvested by domestic fishermen, and would make impracticable timely reserve apportionments based on the best available information. Timely receipt of catch information from domestic fishermen is essential to the mission of NMFS, which must make a determination as early as February 2 concerning the need to supplement DAH with reserves. Without knowledge of the domestic harvest levels, amounts of fish may be declared surplus to domestic needs and allocated to TALFF. This could be harmful to the public if amounts of fish available to domestic fishermen prove inadequate and certain segments of the domestic fishery are prematurely closed.

2. The affected public has advance notice of this action, is generally familiar with it, and was afforded ample opportunity to participate in

development of the FMP—at public hearings and meetings of the North Pacific Fishery Management Council, and during the 45-day comment periods on the draft EIS and the proposed rulemaking. Domestic fishermen will be informed through news releases of the effective date of the final rule.

3. The affected public expects the implementation of the FMP through regulations effective January 1, 1982. Implementation on that date will greatly reduce uncertainty, will allow better planning by user groups, and will facilitate improved monitoring of the fishery. The regulations will be amended to reduce the incidental catch of Chinook Salmon.

Paperwork Reduction Act of 1980

This rule contains a number of collection of information requirements that are subject to comment and approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (Pub. L. 96-511, 44 U.S.C. 3501-3520). These requirements and the corresponding information collection request forms have either been approved or are being reviewed by the Office of Management and Budget under that Act.

National Environmental Policy Act

The final EIS discussed above, which was filed with the Environmental Protection Agency on November 20, 1981, treats the implementation of the original FMP and of all four amendments to it that have thus far been developed. As a result, it is not expected that further environmental analyses will be required when Amendments 1, 1a, 2 and 3 to the FMP are implemented.

Dated: December 23, 1981.

E. Craig Felber,

Acting Executive Director, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 611 is amended and a new 50 CFR Part 675 is added, as follows:

PART 611—FOREIGN FISHING

1. The authority citation of Part 611 reads as follows:

Authority: 16 U.S.C. 1821 and 1855.

2. In Part 611, § 611.9, Appendix II, Figure 2 is revised as follows:

§ 611.9 Reports and recordkeeping.

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Appendix II—Area Codes

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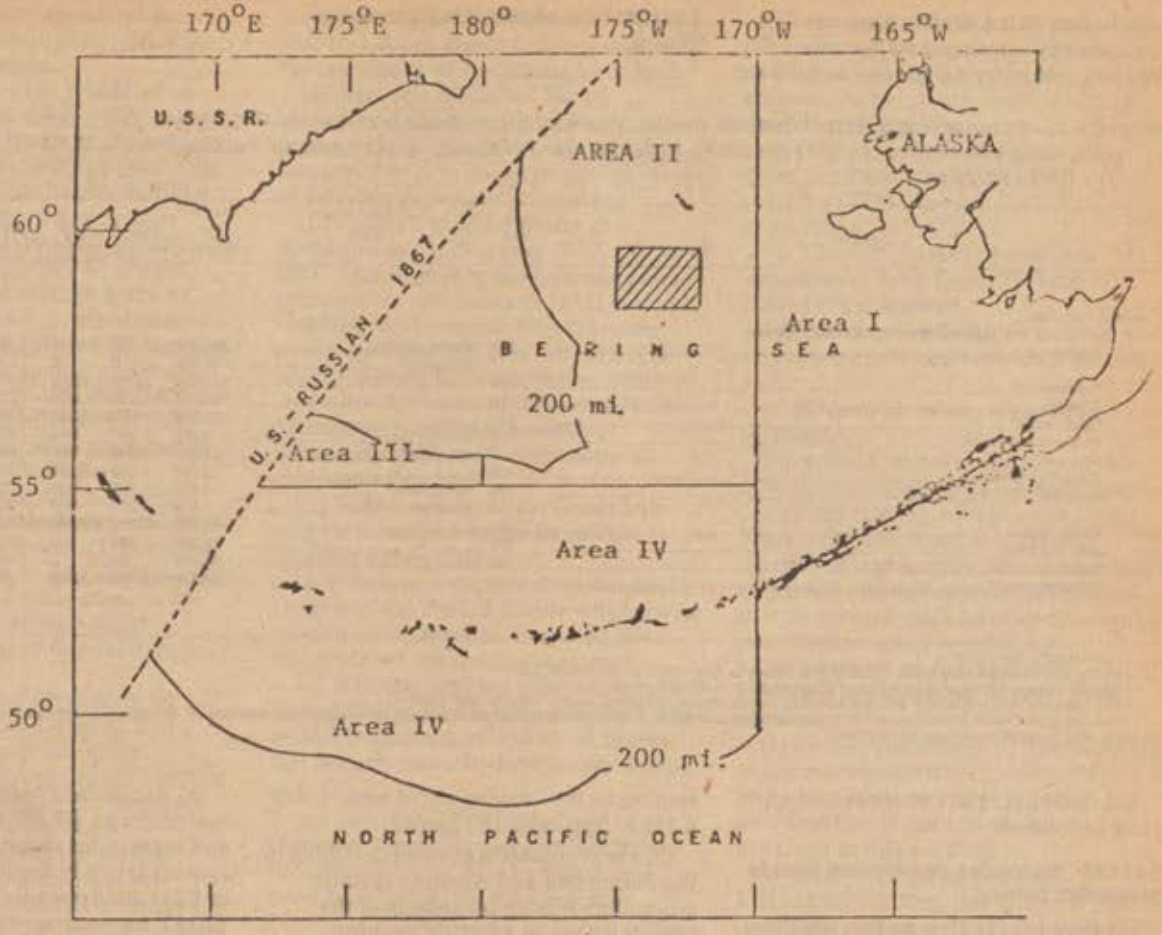


Figure 2. Fishing areas of the Bering Sea and Aleutian Islands. 1/

1/ For the purposes of §611.4 only, and for the period September 1 through April 30, the term "fishing area" shall, for all foreign trawl vessels subject to the requirements of §611.93, also mean the area described in §611.93(d)(1). This area is represented by the cross-hatched portion of Fishing Area III, above.

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3. In Part 611, § 611.20, Appendix I is amended by revising the appendix heading and entry 4A to read as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

APPENDIX 1.—OPTIMUM YIELD (OY), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NONPROCESSED FISH (DNP), RESERVE, AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS. OY = DAH + RESERVE + TALFF.

Species	Species code	Areas	OY	DAH *	DAP	JVP	DNP	Reserve	TALFF
4. Alaska Fisheries:									
A. Bering Sea and Aleutian Islands Groundfish Fishery:									
Pollock	701	Bering Sea [1]	1,000,000	19,550	10,500	9,050		50,000	930,450
		Aleutians [2]	100,000	0	0	0		0	100,000
Yellowfin sole	720		117,000	2,050	1,200	25,000		5,850	109,100
Turbots	721,118		90,000	1,075	1,000	75		4,500	84,425
Other flatfish	129		61,000	1,300	1,200	3,000		3,050	56,650
Pacific ocean perch [4]	760	Boering Sea [1]	3,250	1,380	550	830		162	1,708
		Aleutians [2]	7,500	1,380	550	830		375	5,745
Other rockfish	649		7,727	1,550	1,100	450		500	5,677
Sablefish	703	Bering Sea [1]	3,500	700	500	200		350	2,450
		Aleutians [2]	1,500	700	500	200		150	650
Pacific cod	702		58,700	24,265	26,000	17,065	200	2,935	31,500
Atka mackerel	207		24,800	100	0	100		1,240	23,460
Squid	509		10,000	50	0	50		500	9,450
Other species [3]	499		74,249	2,000	1,800	200		3,712	68,537

* DAH = DAP + JVP + DNP.
[1] Bering Sea means fishing areas I, II, and III in Figure 2, Appendix II of 50 CFR 611.9.
[2] Aleutian means fishing area IV in Figure 2, Appendix II of 50 CFR 611.9.
[3] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.
[4] The category "Pacific ocean perch" includes *Sebastes* species *S. alutus*, (Pacific ocean perch), *S. polyspinus* (northern rockfish), *S. aleutianus*, (rougheye rockfish), *S. borealis* (shortraker rockfish), and *S. zacentrus* (sharpchin rockfish).

4. In Part 611, § 611.93 is revised to read as follows:

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

(a) *Purpose.* (1) This section regulates foreign fishing for squid, octopus, and all species of finfishes except salmon, Pacific halibut, herring, and steelhead, within that portion of the Bering Sea, and that portion of the North Pacific Ocean adjacent to the Aleutian Islands west of 170° W. longitude, over which the United States exercises exclusive fishery management authority under the Act (hereinafter referred to in this section as the "management area"). See § 611.9, Appendix II, Figure 2.

(2) For regulations governing fishing in the Bering Sea and Aleutian Islands groundfish fishery by vessels of the United States, see 50 CFR Part 675. Regulations governing foreign fishing for Tanner crab and snails are set forth in 50 CFR 611.91 and 611.94, respectively.

(3) The specifications of optimum yield (OY), domestic annual harvest (DAH), total allowable level of foreign fishing (TALFF), and reserves in Appendix I to § 611.20 shall apply to each calendar year.

(b) *Authorized fishery.*—(1) *TALFFs and reserves.* (i) The OY, DAH, TALFF, and reserve for target species and other species taken in the fishery are specified in § 611.20, Appendix 1, Entry 4A. The TALFF for nonspecified species shall be any amount of such species taken incidentally to the harvest of the TALFF specified in § 611.20, Appendix 1, Entry 4A, and of such amounts of the reserve and DAH specified therein as may be apportioned to TALFF.

(ii) *Categories of species.* Five categories of species are recognized for regulatory purposes in this fishery. They are set forth in Table 1.

TABLE 1.—CATEGORIES OF SPECIES INVOLVED IN THE BERING SEA AND ALEUTIAN ISLANDS FISHERY

Unallocated species [1]	Target species [2]	Other species [3]	Non-specified species [4]	Groundfish
Salmonids, Halibut, Herring, King Crab, Tanner Crab, Coral, Shrimp, Horsehair Crab, Lyre Crab, Scallops, Snails, Dungeness Crab, Surf Clams.	Pollock, Cod, Other flat fishes, Atka Mackerel, Sablefish, Turbots, Squid, Pacific Ocean perch, other rockfish, Yellowfin sole.	Sculpins, Sharks, Skates, Eulachon, Smelts, Capelin, Octopus.	All species not included in previous categories.	Target, "other", and non-specified species.

[1] Records must be maintained as required by § 611.9.
[2] Records must be maintained.
[3] Records must be maintained of the aggregate catches.
[4] If non-specified species are retained, records must be maintained of the aggregate retained catches.

(A) The term "unallocated species" means for purposes of this section: shrimps (Pandalidae); scallops (Pactinidae); snails (Gastropoda), Pacific herring (*Clupea harengus pallasi*); salmonids (Salmonidae), Pacific halibut (*Hippoglossus stenolepis*); king crab (*Paralithodes* spp.), Tanner crab (*Chionoecetes opilio, C. bairdi*); Dungeness crab (*Cancer magister*); corals (Coelenterata); surf clam (*Spisula solidissima*); horsehair crab (*Erimacrus isenbeckii*); and lyre crab (*Hyas lyratus*). Foreign allocations for these species exists, if at all, only under other fishery management plans.

(B) The term "other species" means: sculpins, sharks, skates; eulachon; smelts, capelin; and octopus.

(C) The term "nonspecified species" means all fish other than those specifically listed in paragraphs (b)(1)(ii) (A), (B), and (D) of this section.

(D) The term "target species" means pollock, Pacific cod, all flatfishes, Atka mackerel, sablefish, all rockfishes, and squids.

(E) "Groundfish" includes all fish listed in paragraphs (b)(1)(ii) (B), (C), and (D) of this section.

(2) *Apportionment to TALFF of reserves and initial DAH.*—(i) *Apportionment of reserves.* As soon as practicable after each of the following dates, and after consultation with the North Pacific Fishery Management Council, the Secretary shall apportion to TALFF up to one-fourth (¼) of each reserve amount set forth at § 611.20, Appendix I, Entry 4A, in accordance with paragraph (b)(2)(iii) of this section: February 2, April 2, June 2, and August 2.

(ii) *Apportionment of initial DAH.* As soon as practicable after each of the following dates, and after consultation with the North Pacific Fishery Management Council, the Secretary shall reassess each DAH amount set forth at § 611.20, Appendix I, Entry 4A, and shall apportion to TALFF such parts thereof as he or she determines to be appropriate in accordance with paragraph (b)(2)(iii) of this section: June 2 and August 2.

(iii) *Standards and Procedure for Apportionment.*—(A) *General.* The Secretary shall apportion under paragraphs (b)(2)(i) and (b)(2)(ii) of this section such amounts as the Regional Director determines will not be harvested by vessels of the United States during the remainder of the calendar year. The amount of reserve which the Regional Director determines will be harvested by vessels of the United States may, at the discretion of the Secretary, be either apportioned to the estimate of domestic annual harvest (DAH) or retained in the reserve as eligible for later apportionment under paragraph (b)(2)(iii)(F) of this section.

(B) *Factors.* In determining whether or not amounts proposed to be apportioned under paragraphs (b)(2)(i) and (b)(2)(ii) of this section will be harvested by vessels of the United States during the remainder of the fishing year, the Regional Director shall consider the following factors, although he or she shall not be limited to these factors:

(*1*) Reported United States catch and effort by species and area compared to previously projected United States harvesting capacity;

(*2*) Projected United States catch and effort by species and area for the remainder of the fishing year;

(*3*) Amounts of fish, particularly United States harvested fish, already purchased or processed by United States fish processors during the fishing year, compared to the previously projected processing capacity of United States fish processors;

(*4*) Projected processing capacity, and utilization of that capacity for the processing of United States harvested fish, by United States fish processors for the remainder of the fishing year; and

(*5*) Amounts of United States harvested fish already purchased or processed by foreign fishing vessels, compared to previously projected levels of such purchasing or processing.

(C) *Allocation of increases and decreases in DAH among DAP, JVP, and DNP.* The Secretary shall allocate any increases or decreases in DAH amounts resulting from apportionments under paragraphs (b)(2)(i) and (b)(2)(ii) of this section among the three components of DAH: the estimates of domestic annual processing (DAP); joint venture processing (JVP); and domestic non-processed fish (DNP).

(D) *Public comment.* (*1*) Comments may be submitted to the Regional Director concerning:

(*i*) Whether, and the extent to which, vessels of the United States will harvest reserve or DAH amounts during the remainder of the fishing year; and

(*ii*) Whether and the extent to which United States harvested groundfish can or will be processed by United States fish processors or by foreign processing vessels.

Comments should be addressed to Director, Alaska Region, NMFS, P.O. Box 1668, Juneau, Alaska 99802, and must be received by the Regional Director no later than 5 days before the relevant date specified in paragraph (b)(2)(i) or (b)(2)(ii) of this section.

(*2*) The Secretary shall consider any timely comments submitted in accordance with this paragraph in determining whether, and to what extent, vessels of the United States will harvest reserve or DAH amounts during the remainder of the fishing year, and whether any part of such amounts will be allocated to TALFF under paragraphs (b)(2)(i) and (b)(2)(ii) of this section.

(*3*) The Regional Director shall compile, in aggregate form, the most recent available reports on (*i*) level of catch and effort by vessels of the United States fishing for groundfish in the Bering Sea and Aleutian Islands fishery; and (*ii*) amounts of United States-harvested groundfish taken in the Bering Sea and Aleutian Islands fishery and processed by United States fish processors or delivered at sea to foreign fishing vessels. These data shall be available for public inspection during business hours (8:00 a.m.–4:30 p.m., Monday–Friday) at the National Marine Fisheries Service Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802, during the last 15 days of each comment period.

(E) *Procedure.* As soon as practicable after each of the dates specified in paragraphs (b)(2)(i) and (b)(2)(ii) of this section, the Secretary shall publish in the **Federal Register**:

(*1*) Any reserve amounts to be apportioned to TALFF or DAH;

(*2*) Any DAH amounts to be apportioned to TALFF;

(*3*) The distribution of amounts apportioned to or from DAH among DAP, JVP, and DNP;

(*4*) The reasons for any apportionments and their distribution; and

(*5*) Responses to any comments received.

(F) *Add-on.* If, following any of the first three of the four dates specified in paragraph (b)(2)(i) of this section, the Secretary apportions less than 25 percent of any reserve amount to TALFF and DAH, the nonapportioned part of that 25 percent shall be added to the reserve amounts available for apportionment on the next date specified in paragraph (b)(2)(i) of this section.

(3) *Fishing permitted.* (i) The catching in the management area and retention of any groundfish for which a nation has an allocation is permitted, except as provided in this section.

(ii) Under the procedures of § 611.15(c), the Regional Director shall notify the foreign nation(s) involved and the designated representative for any affected fishing vessel of a closure prohibiting fishing with specified gear types for any species or species group. The closure may be for all or part of the management area.

(A) *Optimum yield.* If the optimum yield (OY) for any species or species group except sablefish, turbots, or Pacific cod will be reached, the Regional Director shall prohibit fishing using trawl gear until January 1. If the optimum yield for sablefish, turbots, or Pacific cod will be reached, the Regional Director shall prohibit all fishing for groundfish until January 1.

(B) *Total allowable level of foreign fishing.* If the total allowable level of foreign fishing (TALFF) for any species or species group except sablefish, turbots, or Pacific cod will be reached, the Regional Director shall prohibit fishing using trawl gear by foreign vessels. If the TALFF for sablefish, Pacific cod, or turbots will be reached, the Regional Director shall prohibit fishing for groundfish by foreign vessels.

(C) *Allocation of a nation.* If the allocation of a nation for any species or species group except sablefish, turbots, or Pacific cod will be reached, the Regional Director shall prohibit fishing

using trawl gear by that nation. If the nation's allocation of sablefish, Pacific cod, or turbots will be reached, the Regional Director shall prohibit fishing for groundfish by all vessels of that nation.

(iii) On the effective date of a notice of closure from the Regional Director under the procedures of § 611.15(c), fishing by vessels of that nation is prohibited for the groundfish species or species groups, in the areas and during the periods stated in the notice. A notice of closure issued pursuant to paragraph (b)(3) of this section shall not apply to any receipt or processing by foreign vessels of United States-harvested fish which is authorized by permit issued by the Department of Commerce under the Act. Foreign receipt and processing of U.S. harvested fish may continue until specifically prohibited under the restrictions prescribed in the applicable permit.

(iv) A notification pursuant to paragraph (b)(3)(ii) of this section shall expire: (A) On the effective date of a notification issued pursuant to § 611.15(c) rescinding that previous notice; (B) when the time period stated in that notice expires; or (C) at midnight, Alaska Standard Time, on the following December 31, whichever is earlier.

(4) *Fishing prohibited.* Whether or not a nation receives a notice under paragraph (b)(3) of this section, fishing for groundfish by trawl vessels of a nation is prohibited when that nation's national allocation for any groundfish species is reached; and fishing for groundfish by all vessels of a nation is prohibited when that nation's national allocation for sablefish, Pacific cod, or turbots is reached.

(c) *Open and closed areas.*—(1) *General.* Foreign fishing for groundfish may be conducted beyond 12 nautical miles from the baseline used to measure the territorial sea in the entire management area, except as prohibited in this paragraph. No foreign vessels may engage in fishing within 12 nautical miles of the baseline used to measure the territorial sea, unless authorized in this paragraph.

(2) *Trawling.* (i) Trawling by foreign vessels between 3 and 12 nautical miles from the baseline used to measure the territorial sea is allowed west of 178°30' W. longitude, from May 1 through December 31, except in the area known as Petrel Bank, described in paragraph (c)(2)(ii)(E) of this section.

(ii) Trawling is prohibited in the areas and during the periods which follow:

(A) At all times in the Bristol Bay "Pot Sanctuary" which is the area enclosed by straight lines from Cape Sarichef light at 54°36' N. latitude, 164°55'42" W. longitude; to 55°16' N. latitude, 166°10' W. longitude; to 56°20' N. latitude, 163°00' W. longitude; to 57°10' N. latitude, 163°00' W. longitude; to 58°10' N. latitude, 160°00' W. longitude; then due south along 160°00' W. longitude to the Alaska Peninsula.

(B) At all times in the area between 172° W. longitude and 178°30' W. longitude and south of a line connecting the following coordinates in the order listed: 53°14' N. latitude, 172°00' W. longitude; 52°13' N. latitude, 176°00' W. longitude; 52°00' N. latitude, 178°00' W. longitude; and 52°00' N. latitude, 178°30' W. longitude.

(C) From December 1 through May 31 in the area bounded by straight lines connecting the following coordinates in the order listed: 54°36' N. latitude, 164°55'42" W. longitude (Cape Sarichef light); 52°40' N. latitude, 170°00' W. longitude; 55°30' N. latitude, 170°00' W. longitude; 55°30' N. latitude, 166°47' W. longitude, 56°00' N. latitude, 167°45' W. longitude; 56°00' N. latitude, 166°00' W. longitude; 56°30' N. latitude, 166°00' W. longitude; 56°30' N. latitude, 163°00' W. longitude; 56°20' N. latitude, 163°00' W. longitude; 55°16' N. latitude, 166°10' W. longitude; 54°36' N. latitude, 164°55'42" W. longitude (Cape Sarichef light).

(D) From January 1 through April 30 in the area west of 178°30' W. longitude and south of 55°00' N. latitude.

(E) From May 1 through June 30 between 3 and 12 nautical miles from the baseline from which the United States territorial sea is measured in the area known as Petrel Bank, bordered by straight lines connecting the following coordinates in the order listed: 52°51' N. latitude, 178°30' W. longitude; 52°51' N. latitude, 179°00' E. longitude; 51°15' N. latitude, 179°00' E. longitude; 51°15' N. latitude, 178°30' W. longitude; 52°51' N. latitude, 178°30' W. longitude.

(F) *Limitation of salmon catch.* [Reserved]

(3) *Longlining.* (i) Longlining by foreign vessels between 3 and 12 nautical miles of the baseline used to measure the territorial sea is allowed west of 172°00' W. longitude.

(ii) Longlining by foreign vessels is prohibited from December 1 through May 31 in water less than 500 meters deep in the area bounded by straight lines connecting the following coordinates in the order listed: 54°36' N. latitude, 164°55'42" W. longitude (Cape Sarichef light); 52°40' N. latitude, 170°00' W. longitude; 55°30' N. latitude, 170°00' W. longitude; 55°30' N. latitude, 166°47' W. longitude; 56°00' N. latitude, 167°45' W. longitude; 56°00' N. latitude, 166°00' W. longitude; 56°30' N. latitude, 166°00' W. longitude; 56°30' N. latitude, 163°00' W. longitude; 56°20' N. latitude, 163°00' W. longitude; 55°16' N. latitude, 166°10' W. longitude; 54°36' N. latitude, 164°55'42" W. longitude (Cape Sarichef light).

(4) *Receipts of fish at sea.* Foreign fishing vessels holding permits to receive U.S.-harvested fish may receive those fish in the management area between 3 and 12 nautical miles from the baseline from which the United States territorial sea is measured. Receiving foreign-harvested fish in the 3 to 12 mile area is prohibited, except: (i) When the foreign vessel delivering the foreign-caught fish is authorized to harvest fish in the 3 to 12 mile area, or (ii) in the support operations areas designated in § 611.90(c)(2).

(d) *Additional reporting requirements.*—(1) *Vessel reporting.* During the period from September 1 through April 30, and for the purposes of the requirements of 50 CFR 611.4 only, the area bounded by the following coordinates is a "fishing area" for all foreign trawl vessels fishing for groundfish under this § 611.93: 58° N. latitude, 175° W. longitude; 58° N. latitude, 172° W. longitude, 59°30' N. latitude, 172° W. longitude, 59°30' N. latitude, 175° W. longitude. (See § 611.9, Appendix II, Figure 2).

(2) *Reports and recordkeeping.* (i) In addition to the requirements of 50 CFR 611.9, the operator of each foreign fishing vessel fishing for groundfish in the management area and each nation whose vessels fish for groundfish in the management area shall also comply with all the requirements of § 611.9 for the prohibited species herring (code 209), even though discarded, and for non-specified species which are retained, by weight of fish to the nearest 1/10 (tenth) of a metric ton.

(ii)(A) During the period September 1 through April 30, and in addition to the requirements of § 611.9, each foreign nation shall submit, through the designated representative, a weekly report stating any catch of herring by trawl vessels in the area described in § 611.9(d)(1).

(B) The weekly report shall contain the following information:

(*1*) Name of vessel;

(*2*) Permit number;

(*3*) Effort in hours trawled, by each weekly reporting period, by vessel, by ½° (latitude) × 1° (longitude) of area fished;

(*4*) Catch of herring (code 209) to the nearest 1/10 (one-tenth) of a metric ton, by vessel, by each weekly reporting period, by ½° (latitude) × 1° (longitude) of area fished.

(C) The weekly report shall be received from the designated

representative by the Director, Alaska Region (National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99801, Telex No. 009945-377), at the times specified in § 611.9, Appendix IV, D, and in the format specified by the Director, Alaska Region.

(3) *Annual report.* Each nation whose vessels fish for groundfish in the management area shall report, by May 30 of the following year, annual catch and effort statistics as follows:

(i) Effort in hours trawled, number of longline units (300 fathoms of longline or groundline per unit) and number of hooks per unit, number of pots, duration of soaking time for longlines and pots, and number of days fished, by vessel class, by gear type, by month, by ½° latitude and 1° longitude statistical area; and (ii) catch in metric tons, by vessel class, by gear type, by month, by ½° latitude and 1° longitude statistical area, by the following species categories: yellowfin sole; rock sole; flathead sole; arrowtooth flounder; greenland halibut; other flounders; Pacific Ocean perch; Pacific cod, sablefish (blackcod); walleye (Alaska) pollock; Atka mackerel; any other species taken in excess of 1,000 metric tons; "other species," and retained "non-specified species."

5. Part 675 is added to 50 CFR Chapter VI, to read as follows:

Part 675—Groundfish of the Bering Sea and Aleutian Islands Area

Subpart A—General

Sec.

675.1 Purpose and scope.
675.2 Definitions.
675.3 Relation to other laws.
675.4 Permits.
675.5 Reporting requirements.
675.6 [Reserved].
675.7 General prohibitions.
675.8 Enforcement.
675.9 Penalties.

Subpart B—Management Measures

675.20 General limitations.
675.21 [Reserved].
675.22 [Reserved].
675.23 [Reserved].
675.24 [Reserved].
675.25 [Reserved].

Authority: 16 U.S.C. 1855, Section 305, Pub. L. 94-265, 90 Stat. 354-55.

Subpart A—General

§ 675.1 Purpose and scope.

(a) Regulations in this part govern fishing for groundfish by vessels of the United States within that portion of: (1) the Bering Sea, and (2) the North Pacific Ocean adjacent to the Aleutian Islands west of 170°00′ W. longitude, over which the United States exercises exclusive fishery management authority under the Act.

(b) For regulations governing fishing in the Bering Sea and Aleutian Islands groundfish fishery by fishing vessels other than vessels of the United States, see 50 CFR § 611.93.

(c) These regulations implement the Bering Sea and Aleutian Islands groundfish fishery management plan developed by the North Pacific Fishery Management Council.

§ 675.2 Definitions.

In addition to the definitions in the Act, and unless the context requires otherwise, the terms used in this part shall have the following meanings (some definitions in the Act have been repeated here to aid understanding of the regulations):

Act means the Magnuson Fishery Conservation and Management Act, Pub. L. 94-265, as amended, 16 U.S.C. 1801-1882.

ADF&G means the Alaska Department of Fish and Game.

Assistant Administrator means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, United States Department of Commerce, or an individual to whom the Assistant Administrator for Fisheries has delegated appropriate authority.

Authorized Officer means:

(a) Any commissioned, warrant, or petty officer of the United States Coast Guard;

(b) Any certified enforcement or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of the Coast Guard to enforce the provisions of the Act; or

(d) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Bering Sea and Aleutian Islands management area means the fishery conservation zone (FCZ) in the Bering Sea, and that portion of the FCZ in the North Pacific Ocean that is adjacent to the Aleutian Islands and west of 170°00′ W. longitude.

(a) The Bering Sea sub-area of the management area means that portion of the FCZ contained in areas I, II, and III of Figure 1.

(b) The Aleutian Islands sub-area of the mangement area means that portion of the FCZ contained in area IV of Figure 1.

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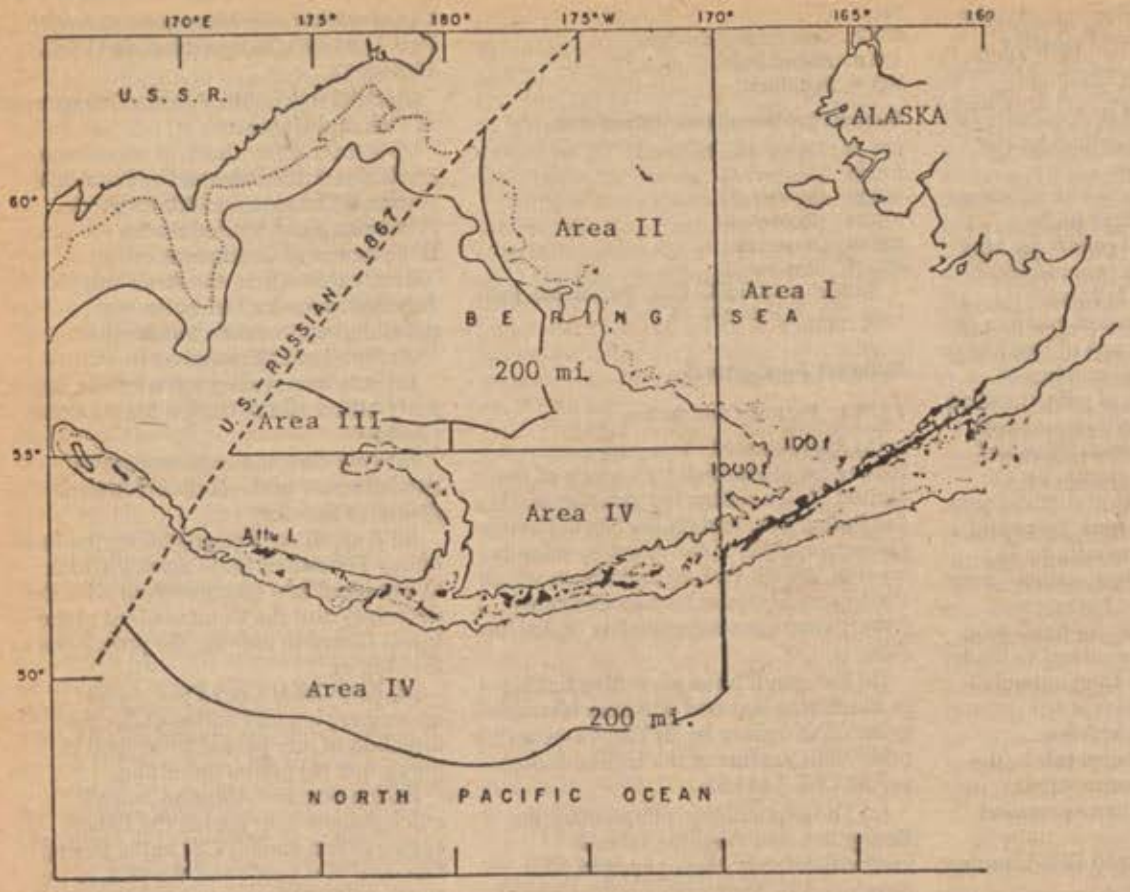


Figure 1. Bering Sea and Aleutian Islands Management Area

(a) Bering Sea sub-area are areas I, II, and III.
(b) Aleutian Islands sub-area is area IV.

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Fishery, for the purposes of this part, means all fishing for groundfish which is conducted in the Bering Sea and Aleutian Islands management area and adjacent territorial waters.

(a) The Bering Sea sub-area of the fishery means areas I, II, and III of Figure 1.

(b) The Aleutian Islands sub-area of the fishery means area IV of Figure 1.

Fishery Conservation Zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing means any activity, other than scientific research activity conducted by a scientific research vessel, which involves:

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (a), (b), or (c) of this definition.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for: (a) fishing; or (b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Groundfish means pollock, cod, any species of flatfish, Pacific ocean perch, other rockfish, sablefish, Atka mackerel, squid, octopus; all other marine invertebrates except shrimp, scallops, snails, king crab, Tanner crab, Dungeness crab, horsehair crab, lyre crab, coral, and clams; and all other finfish except salmonids, Pacific herring, and Pacific halibut. The scientific names of these species are as follows:

Pollock means *Theragra chalcogramma;*

Cod means *Gadus macrocephalus;*

Arrowtooth flounder means *Atheresthes stomias;*

Other flatfish means Pleuronectiformes (order) not specifically defined;

Yellowfin sole means *Limanda aspera;*

Rock sole means *Lepidopsetta bilineata;*

Flathead sole means *Hippoglossoides elassodon;*

Greenland halibut means *Reinhardtius hippoglossoides;*

Pacific ocean perch means *Sebastes alutus, S. polyspinus, S. aleutianus, S. borealis,* and *S. Zacentrus;*

Atka mackerel means *Pleurogrammus monopterygius;*

Other rockfish means Scorpaenidae (family) not specifically defined;

Sablefish means *Anoplopoma fimbria;*

Squid means sepioid and teuthoid squid;

Octopus means Octopoda, not specifically defined;

Salmonids means of the family Salmonidae;

Pacific halibut means *Hippoglossus stenolepis;*

Pacific herring means *Clupea harengus pallasi.*

Landing means off-loading fish.

Longline means a stationary, buoyed, and anchored line with hooks or pots (other than king or Tanner crab pots) attached, or the taking of fish by means of such a device.

Operator, with respect to any vessel, means the master of other individual on board and in charge of that vessel.

Owner, with respect to any vessel, means:

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time, or voyage;

(c) Any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function or operation of the vessel; or

(d) Any agent designated as such by any person in paragraphs (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen or national of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of such government.

Regional Director means Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, or an individual to whom the Regional Director has delegated appropriate authority.

Secretary means the Secretary of Commerce, or his or her designee.

Trawl means a bag-shaped net dragged through the water to capture fish.

Vessel of the United States means

(a) A vessel documented or numbered by the Coast Guard under United States law; or

(b) A vessel weighing less than five net tons which is registered under the laws of any state.

United States fish processors means facilities located within the United States for, and vessels of the United States used or equipped for, the processing of fish for commercial use or consumption.

United States-harvested fish means fish caught, taken, or harvested by vessels of the United States within any fishery regulated by a fishery management plan or preliminary fishery management plan implemented under the Act.

§ 675.3 Relation to other laws.

(a) *Federal law.* For regulations governing fishing by vessels of the United States for halibut, see the regulations of the International Pacific Halibut Commission. For regulations governing fishing for Tanner crab, see 50 CFR Part 671; for those governing fishing for groundfish in the Gulf of Alaska, see 50 CFR Part 672; for those governing salmon fishing off Alaska, see 50 CFR Part 674; for those governing permits and certificates of inclusion for the taking of marine mammals, see 50 CFR 216.24.

(b) *State law.* Certain responsibilities relating to the issuance of permits, data collection, and enforcement may be performed by personnel of the State of Alaska under an agreement with NOAA/NMFS and the United States Coast Guard.

§ 675.4 Permits.

(a) *General.* No vessel of the United States may fish for groundfish in the Bering Sea and Aleutian Islands management area without first obtaining a permit issued under this Part. Such permits shall be issued without charge.

(b) *Application.* A vessel owner may obtain a permit required under the preceding subsection by submitting to the Regional Director a written application containing the following information:

(1) The applicant's name, mailing address, and telephone number;

(2) The name of the vessel;

(3) The vessel's U.S. Coast Guard documentation number or state registration number;

(4) The home port of the vessel;

(5) The length of the vessel;

(6) The type of fishing gear to be used; and

(7) The The signature of the applicant.

The Regional Director may accept a completed State of Alaska commercial

fishing license application in satisfaction of the requirements of this subsection.

(c) *Issuance.* (1) Upon receipt of a properly completed application, the Regional Director shall issue a permit required by paragraph (a) of this section.

(2) Upon receipt of an incomplete or improperly completed application, the Regional Director shall notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application shall be considered abandoned.

(d) *Notification of change.* Any person who has applied for and received a permit under this section shall give written notification of any change in the information provided uder paragraph (b) of this section to the Regional Director within 30 days of the date of that change.

(e) *Duration.* A permit issued under this section shall authorize the permitted vessel to fish for groundfish in the Bering Sea and Aleutian Islands management area during a single specified year, and shall continue in full force and effect through December 31 of the year for which it was issued, or until it is revoked, suspended, or modified pursuant to 50 CFR Part 621 (Civil procedures).

(f) *Alteration.* No person shall alter, erase, or mutilate any permit issued under this section. Any such permit that has been intentionally altered, erased, or mutilated shall be invalid.

(g) *Transfer.* Permits issued under this section are not transferable or assignable. Each such permit shall be valid only for the vessel for which it is issued. The Regional Director must be notified of a change in ownership, pursuant to paragraph (d) of this section.

(h) *Inspection.* Any permit issued under this section must be carried aboard the vessel whenever the vessel is fishing for groundfish in the Bering Sea and Aleutian Islands management area. The permit shall be presented for inspection upon request of any authorized officer.

(i) *Sanctions.* Subpart D of 50 CFR 621 (Civil procedures) shall govern the imposition of permit sanctions against a permit issued under this section. As specified in that subpart D, a permit may be revoked, modified, or suspended if the permitted vessel is used in the commission of an offense prohibited by the Act or these regulations; and such a permit shall be revoked if a civil penalty or criminal fine imposed under the Act and pertaining to a permitted vessel is not paid.

§ 675.5 Reporting requirements.

(a) *Fishing vessel reporting requirements.*—(1) *Port of Landing outside Alaska.* The operator of any fishing vessel regulated under this part whose port of landing is outside the State of Alaska shall submit a completed State of Alaska fish ticket, or an equivalent document containing all of the information required on an Alaska fish ticket. This information must be submitted to ADF&G within one week after the date of each sale or delivery not at sea of any groundfish taken in the Bering Sea and Aleutian Islands management area. The address to which these documents must be sent is: Director, Commercial Fish Division, Alaska Department of Fish and Game Headquarters, Subport Building, Juneau, Alaska 99801.

(2) *Sale, delivery, or consumption at sea.* (i) For each consumption or sale or delivery to a United States fish processor at sea of unlanded groundfish taken in the Bering Sea and Aleutian Islands management area, the operator of any fishing vessel regulated under this part shall submit the following information to ADF&G:

(A) A completed State of Alaska fish ticket, or an equivalent document containing all of the information required on an Alaska fish ticket; and

(B) A statement indicating whether or not the vessel to which any sale or delivery was made was a vessel of the United States.

(ii) The information required by paragraph (a)(2)(i) of this section shall be submitted to ADF&G within one week of the first return of that vessel to port following such sale, delivery, or consumption. Such information may be submitted by the United States fish processor to which the sale or delivery at sea was made, acting as the agent of the fishing vessel operator.

(b) *Processor reporting requirements.* When requested by the Regional Director, but not more than four times a year, each United States fish processor who intends to process United States harvested groundfish taken in the Bering Sea and Aleutian Islands management area shall complete a written survey received from the Regional Director to include the following information:

(1) The quantity of groundfish that the processor has the capacity to process during the following six-month period; and

(2) The quantity of United States-harvested groundfish from the Bering Sea and Aleutian Islands management area that the processor expects to process during the following six-month period.

§ 675.6 [Reserved]

§ 675.7 General prohibitions.

It shall be unlawful for any person to:

(a) Fish for groundfish in the Bering Sea and Aleutian Islands management area with a vessel of the United States which does not have aboard a valid permit issued pursuant to this part;

(b) Possess, have custody or control of, ship, transport, import, export, offer for sale, sell, or purchase any fish taken or retained in violation of the Act, this part, or any other regulation or permit issued under the Act;

(c) Refuse to permit an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Act, this part, or any other regulation or permit issued under the Act;

(d) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (c) of this section;

(e) Resist a lawful arrest for any act prohibited by this part;

(f) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person knowing that such person has committed any act prohibited by this part;

(g) Violate any other provision of this part, the Act, or any other regulation or permit issued under the Act.

§ 675.8 Enforcement.

(a) *General.* The owner or operator of any fishing vessel regulated under this part shall immediately comply with instructions issued by an authorized officer to facilitate safe boarding and inspection of the fishing vessel, its gear, equipment, and catch for purposes of enforcing the Act and this part.

(b) *Signals.* Upon being approached by a Coast Guard cutter or aircraft, or other vessel or aircraft authorized to enforce the Act, the operator of a fishing vessel shall be alert for signals conveying enforcement instructions. The vessel may guard Channel 16, VHF–FM, or 2182 KH2, if equipped with suitable radios, to receive verbal instructions. The following visual signals extracted from the International Code of Signals are among those which may be used:

(1) "L" meaning "You should stop your vessel instantly."

(2) "SQ3" meaning "You should stop or heave to; I am going to board you."

(3) "RY CY" meaning "You should proceed at slow speed, a boat is coming to you," and

(4) "AA AA AA etc." is the call to an unknown station.

(c) *Boarding.* A vessel signaled to stop or heave to for boarding shall:

(1) Stop immediately and lay to or maneuver in such a way as to permit the authorized officer and his or her party to come aboard;

(2) If requested, provide a safe ladder for the authorized officer and his or her party;

(3) When necessary to facilitate the boarding, provide a man rope, safety line, and illumination for any ladder; and

(4) Take such other actions as necessary to ensure the safety of the authorized officer and his or her party and to facilitate the boarding.

§ 675.9 Penalties.

Any person or fishing vessel found to be in violation of this part will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act, in 50 CFR Parts 620 (Citations) and 621 (Civil Procedures), and in other applicable law.

Subpart B—Management Measures

§ 675.20 General limitations.

(a) *Optimum yield.* The optimum yield (OY), initial estimates of domestic annual harvest (DAH), initial estimates for total allowable level of foreign fishing (TALFF), and reserves for the fishery are set forth in Table 1 of this section. These specifications are for a fishing year beginning on January 1 and ending on December 31. If the combined catch by foreign and United States vessels in all or part of the management area equals the OY for any species or species group except sablefish, turbots, or Pacific cod, the Secretary shall prohibit fishing using trawl gear through December 31. If the OY for sablefish, turbots, or Pacific cod has been caught, the Secretary shall prohibit fishing by United States vessels using longline gear. Except when prohibited under this paragraph, fishing for groundfish by vessels of the United States is permitted at all times in the Bering Sea and Aleutian Islands management area.

TABLE 1.—BERING SEA AND ALEUTIAN ISLANDS FISHERY OPTIMUM YIELDS, TALFF'S, AND RESERVES (IN METRIC TONS)

Reference: Species group	Sub-area [1]	ABC=OY	Reserve	Initial DAH	Initial TALFF
Pollock	Bering Sea	1,000,000	50,000	19,550	930,450
Pollock	Aleutians	100,000			100,000
Yellowfin sole		117,000	5,850	2,050	109,100
Turbots		90,000	4,500	1,075	84,425
Other flatfishes [2]		61,000	3,050	1,300	56,650
Pacific cod		58,700	2,935	24,265	31,500
Pacific ocean perch	Bering Sea	3,250	162	1,380	1,708
Pacific ocean perch	Aleutians	7,500	375	1,380	5,745
Other rockfish		7,727	500	1,550	5,677
Sablefish	Bering Sea	3,500	350	700	2,450
Sablefish	Aleutians	1,500	150	700	650
Atka mackerel		24,800	1,240	100	23,460
Squid		10,000	500	50	9,450
Others		74,249	3,712	2,000	68,537
Total		1,559,226	73,324	56,100	1,429,802

[1] Bering Sea (Statistical areas I, II, III combined). Aleutians (Statistical area IV). Includes Territorial waters.
[2] Excluding Pacific halibut.

(b) *Apportionment to TALFF of reserves and initial DAH.*—(1) *Apportionment of reserves.* As soon as practicable after each of the following dates, and after consultation with the North Pacific Fishery Management Council, the Secretary shall apportion to TALFF up to one fourth (¼) of each reserve amount set forth in Table 1, in accordance with paragraph (b)(3) of this section: February 2, April 2, June 2, and August 2.

(2) *Apportionment of initial DAH.* As soon as practicable after each of the following dates and after consultation with the North Pacific Fishery Management Council, the Secretary shall reassess each DAH amount set forth in Table 1 and shall apportion to TALFF such parts thereof as he determines to be appropriate in accordance with paragraph (b)(3) of this section: June 2 and August 2.

(3) *Standards and procedure for apportionment.*—(i) *General.* The Secretary shall apportion under paragraphs (b)(1) and (b)(2) of this section such amounts as the Regional Director determines will not be harvested by vessels of the United States during the remainder of the fishing year. The amount of reserve which the Regional Director determines will be harvested by vessels of the United States may, in the discretion of the Secretary, be either apportioned to the estimate of domestic annual harvest (DAH) or retained in the reserve as eligible for later apportionment under paragraph (b)(3)(vi) of this section.

(ii) *Factors.* In determining whether or not amounts proposed to be apportioned under paragraphs (b)(1) and (b)(2) of this section will be harvested by vessels of the United States during the remainder of the fishing year, the Regional Director shall consider the following factors, although he shall not be limited to these factors:

(A) Reported United States catch and effort by species and area compared to previously projected United States harvesting capacity;

(B) Projected United States catch and effort by species and area for the remainder of the fishing year;

(C) Amounts of fish, particularly United States harvested fish, already purchased or processed by United States fish processors during the fishing year, compared to previously projected processing capacity of United States fish processors;

(D) Projected processing capacity, and utilization of that capacity for the processing of United States fish processors for the remainder of the fishing year;

(E) Amounts of United States harvested fish already purchased or processed by foreign fishing vessels, compared to previously projected levels of such purchase or processing.

(iii) *Allocation of increases and decreases in DAH among DAP, JVP, and DNP.* The Secretary shall allocate any increases or decreases in DAH amounts resulting from apportionments under paragraphs (b)(1) and (b)(2) of this section among the three components of DAH: the estimates of domestic annual processing (DAP); joint venture processing (JVP); and domestic non-processed fish (DNP).

(iv) *Public Comments:* (A) Comments may be submitted to the Regional Director concerning:

(*1*) Whether, and the extent to which, vessels of the United States will harvest reserve or DAH amounts during the remainder of the fishing year; and

(*2*) Whether, and the extent to which, United States harvested groundfish can or will be processed by United States fish processors or by foreign processing vessels.

Comments should be addressed to Director, Alaska Region, NMFS, P.O. Box 1668, Juneau, Alaska 99802, and must be received by the Regional Director no later than 5 days before the relevant date specified in paragraph (b)(1) or (b)(2) of this section.

(B) The Regional Director shall consider any timely comments submitted in accordance with this paragraph in determining whether and to what extent vessels of the United

States will harvest reserve or DAH amounts during the remainder of the fishing year, and whether any part of such amounts will be allocated to TALFF under paragraphs (b)(1) or (b)(2) of this section.

(C) The Regional Director shall compile, in aggregate form, the most recent available reports on (*1*) level of catch and effort by vessels of the United States fishing for groundfish in the Bering Sea and Aleutian Islands fishery; and (*2*) amounts of United States harvested groundfish taken in the Bering Sea and Aleutian Islands fishery and processed by United States fish processors or delivered at sea to foreign fishing vessels. These data shall be available for public inspection during business hours (8:00 a.m.–4:30 p.m., Monday–Friday) at the Natioal Marine Fisheries Service Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802, during the last 15 days of each comment period.

(v) *Procedure.* As soon as practicable after each of the dates specified in paragraphs (b)(1) and (b)(2) of this section, the Secretary shall publish in the **Federal Register:**

(A) Any reserve amounts to be apportioned to TALFF or DAH;

(B) Any DAH amounts to be apportioned to TALFF;

(C) The distribution of amounts apportioned to or from DAH among DAP, JVP, and DNP;

(D) The reasons for any apportionments and their distribution; and

(E) Responses to any comments received.

(vi) *Add-on.* If, following any of the first three of the four dates specified in paragraph (b)(1) of this section, the Secretary apportions less than 25 percent of any reserve amount to TALFF and DAH, the nonapportioned part of that 25 percent shall be added to the reserve amounts available for apportionment on the next date specified in paragraph (b)(1) of this section.

(c) *Prohibited species.* (1) Prohibited species, for the purpose of this part, means any species of fish caught while fishing for groundfish in the Bering Sea and Aleutian Islands management area, the retention of which is prohibited by other applicable law. Any catch of Pacific halibut by fishing vessels regulated under this part is a catch of a prohibited species, unless retention is authorized by regulations of the International Pacific Halibut Commission. Any catch of Tanner crab or salmon by vessels regulated under this part is catch of a prohibited species.

(2) The operator of each vessel regulated under this part shall minimize its catch of prohibited species.

(3) The operator of each vessel regulated under this part shall sort its catch as soon as possible after retrieval of the catch and, after allowing for sampling by an observer (if any), shall return any catch of prohibited species or parts thereof to the sea immediately with a minimum of injury regardless of its condition.

(4) It shall be a rebuttable presumption that any prohibited species found onboard a fishing vessel regulated under this part was caught and retained in violation of this subsection.

§ 675.21 [Reserved]

§ 675.22 [Reserved]

§ 675.23 [Reserved]

§ 675.24 [Reserved]

§ 675.25 [Reserved]

[FR Doc. 81-34890 Filed 12-30-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 251
Thursday, December 31, 1981

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

Agricultural Marketing Service

7 CFR Part 958

Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Decision on Proposed Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision proposes an amendment to the marketing agreement and order regulating onions grown in Idaho and Malheur County, Oregon. The proposed amendment would add a public member to the marketing order administrative committee and authorize the prohibition of overloading railcars. The primary intent of the proposal is to improve the program's administration and usefulness.

DATES: Referendum Period January 11–January 20, 1982.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–2615.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued April 13, 1981, and published April 17, 1981 (46 FR 22382). Notice of Recommended Decision—Issued September 23, 1981, and published September 29, 1981 (46 FR 47585).

This action is subject to the formal rulemaking requirements of the Administrative Procedure Act, and therefore is not subject to the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a have a significant economic impact on a substanital number of small entities because it would not measurably affect costs for the regulated handlers.

This proposed amendment was formulated on the record of a public hearing held in Ontario, Oregon, on May 13, 1981. Notice of the hearing was published in the April 17, 1981, issue of the **Federal Register.** The notice set forth a proposed amendment submitted by the Idaho-Eastern Oregon Onion Committee on behalf of onion producers and handlers in the production area.

On the basis of the evidence introduced at the hearing and placed in the record, on September 23, 1981, the Deputy Administrator filed a recommended decision with the U.S. Department of Agriculture Hearing Clerk. Notice of such recommended decision was published in the September 29, 1981 issue of the **Federal Register** (46 FR 47585). In the recommended decision notice was given of the opportunity to file comments by October 29, 1981. One exception was filed by M. J. Glen, Market Manager, Exempt Agricultural Products, Union Pacific Railroad Company.

Findings and Conclusions. The material issues, findings and conclusions, rulings and general findings of the recommended decision are hereby incorporated by reference and made part of this decision, subject to the following modifications and corrections.

In Material Issue (2), seven new paragraphs are added after the thirteenth paragraph as follows:

"The exceptor opposed adding authority to establish maximum limits on railcar loading for three reasons: (1) The evidence does not show that the arrival condition of onions is directly related to the quantity loaded in a railcar; (2) This authority would have detrimental effects on the competitive positions of the Idaho-Eastern Oregon onion industry and of the Union Pacific Railroad Co.; and (3) The proposal is beyond the authority of the act."

"In support of his first point, the exceptor questions conclusions drawn from the results to a sruvey conducted by the Idaho-Eastern Oregon Fruit and Vegetable Association, an organization whose membership includes all area onion shippers. The association requested the 21 area onion shippers to indicate damage claims experienced during the 1979–80 season which were related to overloaded railcars, and eight responses were received. Results appearing in the hearing record show total dollar amounts of claims for different ranges of loading levels, with larger dollar amounts appearing for cars loaded more heavily. The exceptor contends that these total amounts are meaningless and that it is necessary to take into consideration the number of cars in each weight category and calculate the average claim per sack. Using Union Pacific records, these figures were calculated. The relationship between the number of sacks per car and the claim per sack was not linear; that is, there was not an increase in the claim per sack figure for each increase in the number of sacks per car. The exceptor concludes that damage is therefore not related to heavier loading."

"However, the claim per bag figures for cars loaded with less than 1,800 sacks are substantially below those for cars more heavily loaded. This fact, in conjunction with other information on the record, supports the conclusion that heavier loading and increased damage to onions are related."

"In relation to his second point, the exceptor contends that a loading limitation would increase transportation costs. This increase would be reflected in higher delivered prices, and therefore onions from Idaho-Eastern Oregon would be less competitive with those from other areas."

"The marketing order program is used to improve the quality of onions shipped from the production area and to promote that quality, thereby improving the position of the area's onions in the marketplace. It is financed by assessments levied on handlers and voluntary contributions from industry members. Investments in the program are believed to be offset by benefits derived from offering a higher quality product. Limiting loads on railcars is necessary for the success of this program, and any increase in cost should be offset by gains in consumer acceptance resulting from offering higher quality."

"The exceptor believes the increased transportation cost will also make Union Pacific less competitive in relation to trucks. Over 80 percent of the onions from Idaho-Eastern Oregon that are transported by rail are shipped to eastern markets. This is primarily due to cost savings relative to trucks in shipping onions this distance. As

previously discussed, it recently cost $3.25 per sack to haul a load to New York City by truck, $2.07 to haul a railcar loaded with 2,200 sacks, and $2.84 to haul a railcar loaded with 1,600 sacks. Even if the loading limit were established at 1,600 sacks per car, rail transportation would still provide a savings of $0.41 per sack. It is unlikely that the committee would recommend a limit so low that it would erase the economic benefits of using the railroad, especially since about one-third of total shipments are transported by rail."

"Finally, the exceptor states that adding the authority to prohibit overloading railcars would subject the railroad to regulation. Although regulations which may be issued under this authority may indirectly affect the railroad, they would only apply to, and be legally binding on, onion handlers."

In addition, the following revisions correcting the recommended decision are made:

On page 47585, third column, third paragraph, line 23, change "pubic" to "public."

On page 47587, first column, fourth paragraph, line 8, change "very" to "vary."

Rulings on exceptions. In arriving at the findings and conclusions of this decision, the exception to the recommended decision was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed and made a part of this decision are two documents entitled "Marketing Agreement, as Further Amended, Regulating the Handling of Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon," and "Order Amending the Order, Regulating the Handling of Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered. That this entire decision, except the annexed marketing agreement,[1] be published in the **Federal Register.** The regulatory provisions of the marketing agreement are identical to those contained in the order which is published with this decision.

Referendum order. It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 *et seq.*), to determine whether the issuance of the annexed order amending the order regulating the handling of onions grown in Idaho and Malheur County, Oregon, is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be July 1, 1980, through June 30, 1981.

The agents of the Secretary to conduct such referendum are hereby designated to be Joseph C. Perrin, Gary D. Olson, and Anne M. Dec.

Copies of this decision are being mailed to known interested persons. Others may obtain copies from Mr. Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Phone (202) 447-2615, or from Joseph C. Perrin, Northwest Marketing Field Office, AMS-USDA, Boise-Cascade Building, Suite 805, 1600 SW., 4th Avenue, Portland, Oregon 97201, Phone (503) 221-2724.

Signed at Washington, D.C., on December 23, 1981.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

Order[1] amending the order regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of Marketing Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in Idaho and Malheur County, Oregon.

Upon the basis of the record, it is found that:

(1) The order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as hereby amended, regulates the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing order upon which hearings have been held;

(3) The order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The order, as hereby amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of onions grown in Idaho and Malheur County, Oregon, shall be in conformity to and in compliance with the terms and conditions of the said order, as hereby amended.

The provisions of the proposed marketing order, amending the order, contained in the recommended decision issued by the Deputy Administrator on September 23, 1981, and published in the **Federal Register** on September 29, 1981 (46 FR 47585), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

1. Revise paragraph (a) of § 958.20 to read:

§ 958.20 Establishment and membership.

(a) The Idaho-Eastern Oregon Onion Committee, consisting of six producer

[1] The marketing agreement is filed as part of the original document.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

members, four handler members, and one public member is hereby established. Each shall have an alternate who shall have the same qualifications as the member.

* * * * *

2. Revise the introductory text and add paragraph (e) to § 958.22 to read:

§ 958.22 Selection.

The Secretary shall select committee members and alternates from the nominee lists submitted pursuant to this part or from among other eligible persons.

* * * * *

(e) The public member shall be a resident of the production area and have no direct financial interest in the commercial production, financing, buying, packing or marketing of onions except as a consumer nor be a director, officer or employee of any firm so engaged.

§ 958.25 [Amended]

3. Add a new paragraph (k) to § 958.25 to read:

* * * * *

(k) To recommend nominees for the public member and alternate.

4. Add a new paragraph (g) to § 958.28 to read:

§ 958.28 Nominations.

* * * * *

(g) The producer and handler members of the committee shall nominate the public member and alternate. The committee shall prescribe such additional qualifications, administrative rules and procedures for selection and voting for each candidate as it deems necessary and as the Secretary approves.

5. Add a new paragraph (a)(6) to § 958.52 to read:

§ 958.52 Issuance of regulations.

* * * * *

(a) * * *

(6) Regulate the handling of onions by establishing, in terms of total weight or total number of layers of containers of onions, the maximum load in railcars, taking into account types of containers and sizes of railcars used, potential resulting damage, and other relevant factors.

[FR Doc. 81-37284 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

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

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations in order to extend: (1) For four months after effective date of rule the present November 3, 1981 date by which each licensee authorized to possess and/or operate a research or test reactor facility at a power level greater than or equal to 2 MW thermal must submit emergency plans complying with 10 CFR Part 50, Appendix E, and (2) for one year the present November 3, 1981 date by which each licensee must submit emergency plans for research and test reactors with authorized power levels between 500 KW and 2 MW thermal.

DATES: Comment period expires February 1, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given as to comments received on or before this date.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the *proposed amendment* to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Steve L. Ramos, Chief, Emergency Preparedness Development Branch, Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301-492-9602).

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

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

The NRC staff has evaluated the capabilities of the 24 licensees operating at 500 KW thermal or above to submit revised emergency plans by November 3, 1981 which will meet all of the requirements in the emergency planning and preparedness regulations. *See* 10 CFR 50.47, 50.54, and Appendix E to Part 50.

These 24 licensees will not be able to submit emergency plans fully complying with 10 CFR Part 50 requirements by November 3, 1981. This inability to meet the November 3, 1981 date for submitting emergency plans is attributed to the delay in development of revised guidance criteria for the preparation of emergency plans for research and test reactors that are consistent with the amended regulations. If the extensions of time in the proposed rule are not finally adopted enforcement action on this requirement will not be initiated until a reasonable time after a Commission decision not to adopt the rule. A copy of this notice will be sent to all affected licensees.

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

The other proposed change offered for public consideration is in the thermal power level threshold-from 500 KW to MW-which governs the applicable date for submittal of emergency plans. The NRC believes this upward revision more accurately reflects the power level at which core degradation, and therefore, the potential for offsite consequences

could occur from a loss of coolant accident.

A loss of coolant accident for research and test reactors is where the reactor pool or tank could be drained through a break of an experimental beam port, crack of a primary coolant line, or other means, thus removing the liquid coolant medium from the reactor. This has the possibility, for reactors operating at above 2 MW thermal, of causing fuel melt with the possible consequences of releasing fission products. A heat transfer analysis of plate-type fuel with aluminum cladding shows that these fuel elements do not melt until they reach a temperature of 923°K. The University of Michigan's 2 MW pool reactor has shown by analysis and simulation experiments for MTR plate-type fuel that if the pool was drained (water cooling removed) over a period of 10 minutes, the fuel would not melt. Some types of research reactors, operating at power levels up to 0.1 MW, routinely dump water from the core on scram to further assure a rapid decrease in reactivity. In light of the credible accidents postulated for research and test reactors resulting in core degradation, the 2 MW thermal power level is a more realistic power level threshold governing the dates for submittal of emergency plans for these facilities. Specifying that the few higher power research and test reactors must submit emergency plans first will assure that priority attention will be given to those reactors which have the most potential to present an offsite hazard.

Based on the above information, the Commission finds that there exists sufficient reason to believe that appropriate protective measures can and will be taken for the protection of the health and safety of the public in the event of a radiological emergency if the date to submit emergency plans for 2 MW and above licensees is deferred from November 3, 1981 to four months after effective date of rule, and if the authorized power level threshold governing those licensees subject to the new submittal date is changed from 500 KW thermal to 2 MW thermal. For licensees under 2 MW thermal, the submittal date of November 3, 1982 would remain unchanged. The results of this proposed amendment would be that 10 facilities having power levels of 2 MW and above would be required to make submittals by four months after effective date of rule and the remaining 55 facilities by November 3, 1982.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the NRC certifies that this rule will not have a significant economic impact on a substantial number of small entities. The proposed rule concerns an extension of the date for research and test reactors licensed under 10 CFR Parts 50 and 70 to submit emergency plans complying with 10 CFR Part 50, Appendix E, to the Director of Nuclear Reactor Regulation for approval. Accordingly, there is no significant economic impact on a substantial number of small entities, under the Regulatory Flexibility Act of 1980.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the NRC has made a preliminary determination that this proposed rule does not impose new recordkeeping, information collection, or reporting requirements.

Accordingly, notice is hereby given that, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, adoption of the following amendments to 10 CFR Part 50 is contemplated.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 reads ad follows:

Authority: Sections, 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 50 100–50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). For the purpose of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273, § 50.54(i) issued under sec. 161i, 68 Stat. 949 (42 U.S.C. 2201(i)); §§ 50.70, 50.71, and 50.78 issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)), and the laws referred to in Appendices.

2. Paragraph (r) of 10 CFR 50.54 is revised to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

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

* * * * *

Dated at Washington, D.C. this 28th day of December, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-37291 Filed 12-30-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-EA-33]

Proposed Alteration of Transition Area: Oneonta, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Oneonta, N.Y., Transition Area over Oneonta Municipal Airport, Oneonta, N.Y. A new instrument approach has been developed for the airport and will require protection for aircraft executing the new instrument approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before February 8, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following locations: FAA, Office of Regional Counsel, AEA–7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before February 8, 1982, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York, 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Oneonta, N.Y., Transition Area. The area will be altered by adding an extension to the northeast approximately 7 miles wide and 11.5 miles long.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by altering the description of the Oneonta, New York, 700-foot floor transition area by deleting, "extending from the 7-mile radius area to the VORTAC." and by substituting therefor, "extending from the 7-mile radius area to the VORTAC; and within 3.5 miles each side of the Oneonta Municipal Airport localizer course extending from the 7-mile radius area to 11.5 miles northeast of the outer marker."

Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and CFR 11.65.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York, on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-36838 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-68]

Proposed Alteration of Transition Area: Leeville, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes the alteration of a transition area at Leeville, LA. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing new instrument approach procedure to the Caillou Island Seaplane Base. This action is necessary since new instrument operations will be conducted arriving/departing the seaplane base. The standard instrument approach procedure (SIAP) will utilize the Leeville VORTAC. Coincident with this action, the seaplane base is changed from visual flight rules (VFR) to instrument flight rules (IFR).

DATES: Comments must be received on or before February 1, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G § 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area at Leeville, LA, will necessitate an amendment to this subpart. This amendment will be required at Leeville, LA, since there are proposed IFR procedures to the Caillou Island Seaplane Base.

Comments Invited

Interested persons may participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-68." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available

for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

Leeville, LA

* * * and within a 5-mile radius of the Caillou Island Seaplane Base (latitude 29°06'20" N., longitude 90°28'40" W.) and within 2.5 miles each side of the 258° radial of the Leeville VORTAC extending from the 5-mile radius area to 16 miles west of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on December 21, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-37231 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 73

[Airspace Docket No. 81-AWP-22]

Proposed Temporary Restricted Area, Calif.; GALLANT EAGLE 82

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary Restjcted Area GALLANT EAGLE 82 in the vicinity of Death Valley, CA, to contain a major military exercise. Those segments of restricted areas that penetrate the Continental Control Area would be designated as controlled airspace. This action would permit military exercises, both ground and air, to be conducted in a safe and secure environment.

DATES: Comments must be received on or before February 1, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Pacific Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWP-22, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may be examined during normal business hours at the office of the Regional Air Traffic Division.

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:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal.

Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWP-22." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.151 and § 73.25 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary Restricted Areas R-2538 A through H to contain a major joint military exercise called GALLANT EAGLE 82. This exercise would provide training for several military commands operating under the sponsorship of the United States Readiness Command. The air activities associated with the exercise will be such that flights of nonparticipating aircraft cannot be safely conducted within the proposed temporary restricted airspace when the airspace is in use by the military.

Approximately 115 aircraft would be utilized to conduct about 160 daily sorties. Communications equipment would be installed and maintained between the appropriate military and FAA facilities to coordinate the operations of nonparticipating aircraft

through the temporary restricted area whenever military activity permits. Additionally, a reverse charge telephone number would be established and published for pilots of nonparticipating aircraft to coordinate directly with the military if desired. The proposed restricted area would be designated as a joint use to permit authorization by the controlling agency (FAA) for access/egress by VFR and IFR traffic whenever military activity permits. All airports within the proposed temporary restricted area would be given relief by excluding the airspace 1,200 feet AGL and below within 3 nautical miles (NM) radius of the airport. Exercise aircraft will remain clear of VFR nonparticipating aircraft outside restricted airspace. Appropriate altitude separation will be used to provide separation from IFR nonparticipating aircraft.

Provision will be made to accommodate civil aircraft through the exercise area, except for the permanent restricted airspace, on a noninterference basis.

The Tactical Air Command/DEEV will serve as lead agency for purposes of compliance with the National Environmental Policy Act (NEPA). The certification of NEPA compliance has been forwarded to the FAA Western Region, Attention: Mr. Thomas Binczak, telephone number (213) 966-6182. Sections 71.151 and 73.25 of Parts 71 and 73 were republished on January 2, 1981 (46 FR 446 and 787).

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.151 and § 73.25 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (46 FR 446 and 787) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

§ 71.151 [Amended]

By adding the following temporary restricted areas:

R-2538A, GALLANT EAGLE 82
R-2538B, GALLANT EAGLE 82
R-2538C, GALLANT EAGLE 82
R-2538D, GALLANT EAGLE 82
R-2538E, GALLANT EAGLE 82
R-2538F, GALLANT EAGLE 82
R-2538G, GALLANT EAGLE 82
R-2538H, GALLANT EAGLE 82

PART 73—SPECIAL USE AIRSPACE

§ 73.25 [Amended]

By adding the following temporary restricted areas:

R-2538A, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 34°59'N., long. 116°53'W.; to lat. 35°01'N., long. 116°41'W.; to lat. 35°39'N., long. 115°53'W.; to lat. 37°12'N., long. 117°20'W.; to lat. 37°12'N., long. 118°10'W.; to lat. 36°39'N., long. 117°57'W.; to lat. 36°20'N., long. 117°23'W.; to lat. 35°48'N., long. 117°16'W.; to lat. 35°36'N., long. 117°16'W.; to lat. 35°36'N., long. 117°26'W.; to lat. 35°16'N., long. 117°26'W.; to lat. 35°16'N., long. 117°05'W.; to point of beginning.

Designated altitudes. 100 feet AGL to FL 500 (3,000 feet AGL minimum altitude over Death Valley National Monument).

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R-2538B, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 34°59'N., long. 116°53'W.; to lat. 35°01'N., long. 116°41'W.; to lat. 35°39'N., long. 115°53'W.; to lat. 34°43'N., long. 115°27'W.; to lat. 34°43'N., long. 116°26'W.; to lat. 34°34'N., long. 116°35'W.; to point of beginning.

Designated altitudes. FL 350 to FL 500.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R-2538C, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 34°41'N., long. 116°30'W.; to lat. 34°43'N., long. 116°30'W.; to lat. 34°43'N., long. 116°02'W.; to lat. 35°22'N., long. 116°14'W.; to lat. 35°01'N., long. 116°41'W.; to point of beginning.

Designated altitudes. 100 feet AGL to 7,500 feet MSL.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R-2538D, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 34°14'N., long. 115°44'W.; to lat. 34°17'N., long. 115°40'W.; to lat. 34°22'N., long. 115°35'W.; to lat. 34°43'N., long. 115°27'W.; to lat. 34°43'N., long. 116°26'W.; to lat. 34°34'N., long. 116°35'W.; to lat. 34°14'N., long. 116°19'W.; to point of beginning.

Designated altitudes. 500 feet AGL to FL 500.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R-2538E, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 34°03'N., long. 116°11'W.; to lat. 34°08'N., long. 115°53'W.; to lat. 34°14'N., long. 115°44'W.; to lat. 34°14'N., long. 116°19'W.; to point of beginning.

Designated altitudes. 2,000 feet AGL to 17,000 feet MSL.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R-2538F, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 36°01'N., long. 116°13'W.; to lat. 36°28'N., long. 115°26'W.; hence NW along boundary of R-4806; to lat. 36°41'N., long. 115°55'W.; to lat. 36°21'N., long. 116°32'W.; to point of beginning.

Designated altitudes. 14,000 feet MSL to 15,000 feet MSL.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R-2538G, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 36°53'N., long. 117°01'W.; to lat. 37°03'N., long. 116°43'W.; to lat. 37°20'N., long. 116°59'W.; to lat. 37°12'N., long. 117°20'W.; to point of beginning.

Designated altitudes. FL 210 to 220.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

R-2538H, GALLANT EAGLE 82 [New]

Boundaries. Beginning at lat. 36°53'N., long. 117°01'W.; to lat. 37°03'N., long. 116°43'W.; to lat. 37°20'N., long. 116°59'W.; to lat. 37°12'N., long. 117°20'W.; to point of beginning.

Designated altitudes. 100 feet AGL to 2,000 feet AGL.

Time of designation. 0100 to 2300 local time, March 30–April 6, 1982.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley AFB, VA 23665.

(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 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory

Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, DC, on December 23, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-37147 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Ch. II

Regulatory Flexibility Act Review List

AGENCY: Civil Aeronautics Board.

ACTION: Publication of annual Regulatory Flexibility Act review list.

SUMMARY: The CAB invites comments on several of its rules in accordance with the review provisions of the Regulatory Flexibility Act.

DATES: Adopted: December 23, 1981.

ADDRESSES: Twenty copies of comments should be sent to Docket 39932, 40336, or 40337 (see below). Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96-354, requires each agency to publish in the **Federal Register** a plan for the periodic review of the agency's rules that "have or will have a significant economic impact on a substantial number of small entities." The plan must provide for review of all such rules within 10 years. In addition, the agency must publish annually in the **Federal Register** a list of those rules to be reviewed during the following 12 months, with an invitation for public comments on them. The purpose of the review is to determine,

whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such small entities. (5 U.S.C. 610)

The Board publish its review plan at 46 FR 33353, June 29, 1981. The Board explained that, in connection with the impending sunset of the agency, it was reviewing all its rules, not merely those that met the impact criterion of the Regulatory Flexibility Act. The Board also listed seven rules that were already under review, and announced that in December 1981 it would publish a list of the most important rules that it had not already begun to review in individual proceedings.

This notice updates the status of the rules listed in June, and invites comments on three of them. The rules are as follows:

Denied boarding compensation. (14 CFR Part 250). In ER-1237, 46 FR 42442, August 21, 1981, the Board amended its rules governing oversales and denied boarding compensation to exclude entirely operations with 60-seat and smaller aircraft. Further review of these rules is discussed below under the invitation for comments.

Smoking on airplanes. (14 CFR Part 252). In ER-1245, 46 FR 45934, September 16, 1981, the Board revised its smoking rule after a general review of the smoking issue. The rule now applies to certificated and commuter airlines in their operations with larger than 30-seat aircraft. It requires these airlines to separate smokers and nonsmokers and to provide a seat in the no-smoking section for all nonsmokers who arrive by the airline's check-in deadline. The Board is now considering a petition from the Regional Airline Association in Docket 29044 to limit the applicability of this rule to larger than 60-seat aircraft.

Rules tariffs and notice to passengers of conditions of carriage (14 CFR Part 221). Earlier notices of proposed rulemaking on this subject were EDR-396, Docket 38021, 45 FR 25817, April 16, 1980, and EDR-404, Docket 38348, 45 FR 42629, June 25, 1980. These proceedings were consolidated by supplemental notice of proposed rulemaking EDR-404B, Docket 38348, 46 FR 35936, July 13, 1981. Comments were due August 26 and reply comments were due September 14, 1981.

Charters (14 CFR Parts 207, 208, 212, 380). (See invitation for comments below.)

Baggage liability in domestic air transportation. (See invitation for comments below.)

Registration procedures for Canadian charter air taxi operators. In ER-1257, Docket 39000, 46 FR 52590, October 27, 1981, the Board eliminated the requirement that Canadian charter air taxi operators obtain foreign air carrier permits under section 402 of the Federal Aviation Act. Instead of the extensive information normally required by 14 CFR Part 211, these small carriers now merely have to register with the Board, a quicker and easier process.

Registration of foreign charters operators. In SPR-179, Docket 38023, 46 FR 56605, November 18, 1981, the Board substituted a simple registration procedure for the previous requirement that foreign charter operators obtain a foreign air carrier permit.

Request for Comments

1. *Denied boarding compensation.* (14 CFR Part 250). By notice of proposed rulemaking EDR-436, Docket 39932, 46 FR 62285, December 23, 1981, the Board has recently begun a comprehensive review of its rules on oversales and denied boarding compensation. Comments are due February 22, 1982 and reply comments are due March 9, 1982.

2. *Charters.* (14 CFR Parts 207, 208, 212, 380). The Board's current charter rules are based on sections 204, 401, 402, 403, 404, 407, 408, 409, 411, and 416 of the Federal Aviation Act of 1958. They specify the types of charters that may be performed, and prohibit all others. For those that are authorized, the requirements can be divided into four areas: (1) protection for public charter participants' funds, in the form of requirements for both carriers and charter operators to post bonds and set up depository accounts, (2) protection of participants' expectations, in the form mainly of detailed rules concerning the contents of operator-participant contracts, such as price changes, cancellations, and itinerary changes, (3) a body of rules dealing with non-public charters, such as "affinity group" and "single-entity" charters, and (4) the remainder, a miscellaneous collection of rules dealing mainly with the relations between the direct air carrier and the charterer. The Board is reconsidering all these rules on charters in light of deregulation, and plans to issue a notice of proposed rulemaking on this subject in Docket 40336 in the near future. Interested persons are invited to file comments on charters in this docket, and need not await publication of the proposal.

3. *Baggage liability in domestic air transportation.* The Board's domestic baggage liability rules are based on sections 204, 403, 404, and 411 of the Federal Aviation Act of 1958. The rules govern air carriers' liability limits for

lost, damaged, or delayed baggage. They also affect disclaimers of liability for fragile or perishable items and carriers' baggage claim procedures. The Board is reconsidering these rules in light of deregulation, and plans to issue a notice of proposed rulemaking on baggage liability in Docket 40337 in the near future. Interested persons are invited to file comments on baggage liability in this docket, and need not await publication of the proposal.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37344 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Wyoming-8)]

High-Cost Gas Produced From Tight Formations; Wyoming

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulations contains the recommendation of the State of Wyoming that the Frontier Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on January 22, 1982.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on January 7, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street NE,. Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8317, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION:

I. Background

On December 14, 1981, the State of Wyoming Oil and Gas Conservation Commission (Wyoming) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Frontier Formation located in Lincoln, Sublette, and Sweetwater Counties, Wyoming, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Wyoming's recommendation that the Frontier Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Wyoming's recommendation. Wyoming's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation is located north and east of the La Barge platform area in southwest Wyoming. The area contains about 222,720 acres and is in Lincoln, Sublette, and Sweetwater Counties, Wyoming. It encompasses all or part of Townships 25 and 26 North, Range 109 West; Township 29 North, Range 111 West; Townships 26 through 31 North, Range 112 West; and Townships 28 through 31 North, Range 113 West.

The vertical limits of the Frontier Formation are defined by the Baxter Shale Formation above and the Mowry Shale Formation below. The depth to the top of the formation averages 7,700 feet and gross thickness varies from 50 to 150 feet.

III. Discussion of Recommendation

Wyoming claims in its submission that evidence gathered through information and testimony presented at a public hearing in Case No. 1, Order No. 1, Docket No. 53-81(A) convened by Wyoming on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Wyoming further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Wyoming that the Frontier Formation, as described and delineated in Wyoming's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426, on or before January 22, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Wyoming-8), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than January 7, 1982.

(Natural Gas Policy Act of 1978, (15 U.S.C. 3301-3342))

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations as set

forth below, in the event Wyoming's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (84) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(60) through (83) [Reserved]

(84) *Frontier Formation in Wyoming. RM79–76 (Wyoming–8)*—(i) *Delineation of formation.* The Frontier Formation is found in Lincoln, Sublette, and Sweetwater Counties, Wyoming, encompassing all or parts of Townships 25 and 26 North, Range 109 West; Township 29 North, Range 111 West; Townships 26 through 31 North, Range 112 West; and Townships 28 through 31 North, Range 113 West.

(ii) *Depth.* The Frontier Formation's vertical limits are defined by the Baxter Shale Formation above and the Mowry Shale Formation below. The gross thickness of the formation varies from 50 to 150 feet. The average depth to the top of the Frontier Formation is 7,700 feet.

[FR Doc. 81–37213 Filed 12–30–81; 8:45 am]

BILLING CODE 6717–01–M

INTERNATIONAL COMMUNICATION AGENCY

22 CFR Part 514

Exchange-Visitor Program

AGENCY: International Communication Agency.

ACTION: Proposed rule.

SUMMARY: The International Communication Agency proposes to establish criteria for the use of the J–1 Visa for the following: (a) Practical Trainees; (b) Summer Student Travel/Work Programs; and (c) International Camp Counselor Programs.

These categories under the J–1 Visa are described by this regulation to ensure proper adherence to the law by program sponsors who are designated to sponsor aliens classified as exchange visitors.

DATE: Comments are due by March 1, 1982.

ADDRESS: Comments should be sent to: James Kelman, Deputy Chief, Exchange Visitor Program, Designation Branch (ECA/PE), International Communication Agency, Room 849, 1776 Pennsylvania Avenue, NW., Washington, D.C. 20547.

FOR FURTHER INFORMATION CONTACT: James Kelman (202) 724–9896.

SUPPLEMENTARY INFORMATION: The International Communication Agency (USICA) assumed from the Department of State overall responsibility for the Exchange-Visitor Program and all related procedures effective April 1, 1978, by Reorganization Plan No. 2 of 1977 and by Executive Order 12048 of March 27, 1978. The Exchange-Visitor Program serves as the accrediting authority for both U.S. Government agencies and private organizations to bring students, teachers, scholars, and trainees to the United States. The Exchange-Visitor Program monitors the host organization's performance to ensure that established criteria are met. The proposed amendment to the present regulations is expected to provide organizations with effective guidelines and criteria with which to administer practical training use of the J–1 Visa.

PART 514—EXCHANGE-VISITOR PROGRAM

22 CFR Part 514 is amended by adding three new paragraphs (c), (d), and (e) to § 514.13 to read as follows:

§ 514.13 Sponsor obligations—specific.

* * * * *

(c) *Practical trainees.* These criteria govern the designation and monitoring by the International Communication Agency (USICA) of Exchange-Visitor Programs under which foreign nationals are provided with opportunities for on-the-job, practical training in the United States for periods of up to 18 months. These criteria apply to Exchange-Visitor Programs having practical training as the primary purpose and do not apply to practical training opportunities which may, under certain conditions, be authorized for foreign students who have completed the requirements for degrees or certificates at educational institutions in the United States. The primary purpose of practical training programs is to improve the participant's knowledge of American techniques, methodology, and philosophy of the individual's own field of endeavor and to enhance the participant's skills through active participation in the day to day operations at the training location. It is also designed to enable the exchange visitor to observe and participate in American life and, if applicable, to improve his or her English language competency. Another prime purpose is to improve American knowledge of a foreign culture by providing the opportunity for an open interchange of ideas between the trainees and their American counterparts.

(1) *Selection.* The Exchange-Visitor Program sponsor must assume ultimate responsibility for the selection of trainees, regardless of the extent to which cooperating organizations in other countries may be involved. Professional recruiters, as well as employment or travel agencies, either in the United States or abroad, shall not be used for the recruitment, screening, or selection of trainees or prospective trainees. The sponsor shall secure sufficiently detailed background data on the individual's education and previous practical training and/or work experience to be able to ensure that the practical training experience in the United States is suitable and appropriate for the individual's level of career development. Trainees must have sufficient knowledge of English to enable them to function in the English speaking environment, both during the normal work period and non-working hours. Selection procedures should ensure that the trainee is medically qualified to perform the specific duties to be assigned.

(2) *Content of training assignments and related activities.* Practical training is intended to provide the individual with a "real life" experience in the conduct of his or her field of endeavor as normally practiced in the United States. As such, the normal or standard number of working hours per week for the particular business or industry must be observed. Suitable training may include one or more of the following: (i) Rotation through several departments; (ii) concentration in a single department; (iii) special projects; (iv) rotation followed by projects; (v) participation in an employer's regularly scheduled training program; or (vi) a special program determined after the trainee's arrival. Related activities which support the practical training experience such as attendance at conferences or conventions, participation in short courses, or enrollment in English language improvement courses may be appropriate in specific individual cases. Such related activities must be clearly secondary to and supportive of the practical training experience. The

content of the practical training assignment and any realted activities must be suitable and appropriate to the individual's level of educational attainment and previous practical training and/or work experience. The future employment and career development of the individual should also be considered in designing the practical training experience.

(3) *Orientation.* The sponsor shall be responsible for providing each participant (and each employer, if appropriate) with orientation which is suitable to the nature and length of the training assignment. This orientation should clearly indicate: (i) The purposes of the program; (ii) the role of the sponsor; (iii) the explanation that the participant is being admitted on a temporary nonimmigrant visa and that he or she must depart from the United States at the conclusion of the training assignment; (iv) the procedures to be followed in the event of an emergency; and (v) the details, to the extent they apply, on matters such as the individual's tax liability, procedures for securing of a Social Security Number, securing of a driver's license, etc. Where possible, orientation for individual participants should also include basic information about the United States, the city or state in which the participant will be assigned, the practice of the individual's field of endeavor in the United States, and any other information which would help to make the individual's experience while in the United States professionally rewarding and personally enriching.

(4) *Interaction with Americans.* The sponsor shall assist and encourage trainees to seek maximum interaction with American citizens during the training period. Subject to limitations imposed by geographic location, length and/or nature of the training assignment, interaction should be encouraged with groups such as families, professional societies, trade unions, educational institutions, service clubs, etc.

(5) *Financial responsibility.* All materials provided to program participants must clearly state the amount(s) to be paid to the trainess by the employer, and additional amount(s) to be paid by the designated program sponsor, and the costs which the trainee is expected to cover personally. Such information should include estimated cost of living in the area where the participant will work. The amount paid to the participant by the employer should be comparable to that paid to other individuals having similar education and previous work experience. In all cases, at least the prevailing minimum wage as determined by the United States Department of Labor must be paid to the participant by the employer. Payment in kind (housing, meals, etc.) may be used to supplement the prevailing minimum wage, but may not be used in lieu of payment of the minimum wage. Payment on the basis of commissions and similar forms of variable amount wages may be used only to the extent that such payments exceed the prevailing minimum wage. If payments are to be made by third parties (i.e., parents, schools, sponsors, government or international organization agencies, etc.) in lieu of payment by the employer, the Exchange-Visitor Program Designation Branch (ECA/PE), International Communication Agency, Washington, D.C. 20547 must be notified in writing to enable the Agency to determine the suitability of such payments.

(6) *Insurance.* The sponsor should be responsible for determining that each participant and any accompanying dependents are adequately covered by health and accident insurance, including provision for repatriation in the event of death or disability, for the entire duration of their stay in the United States in Exchange-Visitor status. A Certificate of Eligibility for Exchange-Visitor Status (IAP-66) should not be issued to a participant and/or dependents unless the sponsor can verify that they are adequately protected.

(7) *Evaluation.* To assure quality control of the training experience, the sponsor shall develop procedures for the on-going evaluation of each training assignment. Such evaluation should include, as a minimum, evaluation reports from the trainee and the immediate supervisor at the end of the training period. Mid-point reports (verbal or written) should also be used for training assignments of one year or more.

(8) *Dependents.* As a general rule, trainees shall be permitted to have their spouse and dependent children accompany them to the United States and the sponsor may document such dependents for J-2 status. All such dependents must be covered by health and accident insurance.

(9) *Limitation on duration of stay.* As specified in § 514.23(a)(1)(vii) of these regulations, the maximum length of stay for practical training employment shall not exceed 18 months total for any one individual, except as specifically approved by USICA under highly unusual circumstances. Such limitation shall apply regardless of the number of Exchange-Visitor Programs in which the individual participates.

(10) *Reciprocity.* As a general principle, each program sponsor shall be expected to seek, as feasible, reciprocal practical training or work experience in other countries for American citizens, either directly or through cooperating agencies, organizations, or institutions abroad. Ideally, the number of placement opportunities for Americans in other countries should be approximately equal to the number of foreign trainees placed in the United States. The Exchange-Visitor Program Designation Branch, International Communication Agency, will review the sponsor's program annually to assure good faith compliance with this objective.

(11) *Reports.* Designated sponsors shall furnish the Exchange-Visitor Designation Branch, International Communication Agency, with an annual report at the end of each calendar year or the close of such other yearly reporting period as may be mutually agreed upon. The annual report shall include: (i) Statistical data on foreign trainees placed in the United States and, where applicable, on American trainees placed in other countries; (ii) A brief evaluation report of the effectiveness of the program for the year including a description of standards and methods used in the evaluation process; and (iii) Specific examples of program accomplishments over a long-range period. Copies on descriptions of program materials such as information folders, orientation data, general publications, evaluation forms, etc. may be appended to the report to varify compliance with criteria stated above. Organizations which have been granted tax-exempt status under the provisions of section 501(c)(3) of the Internal Revenue Code shall also submit a copy of the Form 990 report most recently filed with the Internal Revenue Service.

(12) *Suspension or revocation of Exchange-Visitor Program designation.* Designated sponsors found to be in violation of the above criteria are subject to having program designations suspended or revoked in accordance with § 514.17 of these regulations.

(d) *Summer Student Travel/Work Programs.* The following criteria apply to United States organizations which have been designated by the International Communication Agency (USICA) to administer Summer Student Travel/Work Programs. These programs are designed to achieve the educational objectives of international exchange by involving students during their summer vacations directly in the daily life of the

host country through temporary employment opportunities. The criteria require program sponsors to promote the exchange of United States and foreign students on a reciprocal basis thereby assuring that the operation of such programs will not have an adverse impact on labor opportunities for United States youth in the 18–23 year age bracket.

(1) *Selection.* The selection will be limited to *bona fide* university students screened for maturity and ability to get maximum benefit from Summer Travel/Work Programs. These programs are designed to give foreign university students an opportunity to travel to the United States during their summer vacations with permission to accept employment to help defray their travel and living expenses while here. Priority consideration will be given to students who do not live in close proximity to the United States who would not be able to visit this country if temporary work permission were not authorized to help defray their travel expenses.

(2) *Orientation.* All students should be provided with orientation, both pre-departure and upon arrival in the United States. The orientation should be designed to give the students a good basic knowledge of our country and its people. Students should be fully informed of the nature of the program in which they are participating. They should be provided with some type of identification card which includes the name and phone number of an official of the sponsoring organization as well as the number of the Exchange-Visitor Programs in which they are participating. In addition, orientation should cover proper methods of obtaining and holding a job and the customary practices of giving employers adequate advance notice of resignation. Students should be fully briefed on the employment situation in the United States and admonished not to seek jobs in areas where a high unemployment situation exists.

(3) *Supervision.* Sponsors must be prepared to help their students at any time they have a medical, personal, employment, or other type of problem.

(4) *Jobs.* Each student sponsored on such a program must either have a pre-arranged job before he or she comes to the United States, or firm appointments with prospective employers, or have sufficient personal funds so as not to be financially embarrassed if not employed.

(5) *United States employment.* Sponsors are required to check in advance with the Department of Labor to obtain information regarding areas or cities which have a high unemployment rate. Students should be advised to avoid such areas in seeking employment.

(6) *Financial responsibility.* Sponsors are reuired to ensure that all participants return home at no charge to the United States Government.

(7) *Health and accident insurance.* Sponsors are required to ensure that all students are adequately covered with health and accident insurance.

(8) *Geographical distribution.* Sponsors should develop plans to ensure that groups of students, especially those of the same nationality, are not "clustered" in certain areas or cities. Every effort should be made to have the students widely dispersed throughout the country.

(9) *Arrival time.* Students for whom the sponsors have arranged "preplacement" for jobs can begin their programs at any time. Travel for students who have not been "pre-placed" should be delayed by the sponsors as late as possible, preferably after June 15. Such delayed travel will give American students who are interested in obtaining summer jobs from two to four weeks in an uncompetitive market.

(10) *Reciprocity.* Sponsors are required to administer Student Travel/Work Programs on a reciprocal basis. The number of foreign students a sponsor brings to the United States under this program shall not exceed, in any calendar year, the number of American students who were sent abroad by the sponsor on a Travel/Work Program. Should a sponsor fail in the realization of reciprocity in any given calendar year, the Agency may restrict the number of foreign students that the sponsor brings to the United States in the next calendar year to the number sent abroad by the sponsor in the preceding calendar year.

(11) *Report requirement.* Sponsors are required to submit an annual report, not later than July 31, on the United States students who were sent abroad the previous calendar year under Travel/Work Programs. The report should contain the following information: name and United States address of the student, the country where the student was employed, name of employer and type of business, and the type and length of employment (dates). The report should also include an ongoing evaluation of both the incoming program for foreign students and the outgoing program for American students. Major problems encountered in the administration of the program should also be listed. Failure to submit the report by July 31 will result in the automatic suspension of the program. The program will not be reactivated until the report is received by USICA and the sponsor notified that suspension has been lifted.

(12) *Unauthorized activities.* Employment as servants, mother's helpers, au pair or other jobs of a domestic nature in private homes are not authorized. Employment must be of a commercial or industrial capacity. Also, employment as a Camp Counselor is not authorized under the Travel/Work Program. Special programs with guidelines and criteria have been prepared for both Camp Counselor and Family Placement Programs. All such unauthorized placements will be removed from the count of United States placements abroad which could reduce the number of foreign students which the sponsor will be permitted to bring into the United States during the following year.

(e) *International Camp Counselor Program.* These criteria apply to the designation and monitoring by the International Communication Agency (USICA) of Exchange-Visitor Programs which are designed to give carefully selectd International Camp Counselors an opportunity to spend approximately eight (8) weeks at an American camp imparting appropriate skills to American youth concluding with an optional one to three week period to tour the United States. The principal purpose of these programs bringing International Counselors to serve in American sunimer camps is to improve American knowledge of a foreign culture and to allow the youth at camps throughout the United States to experience international understanding on a personal basis. A secondary purpose is to improve the foreign camp counselor's knowledge of American culture and language skills though active participation in every facet of camping life.

(1) *Selection.* The designated sponsoring organization must assume responsibility for the selection of international counselors to participate in these programs. As a general rule, individuals who have already served once as a Camp Counselor should not be selected again. The intent of this program is principally one of cultural exchange and is intended to give as many foreign camp counselors as possible an opportunity to visit the United States. Sponsoring organizations must have strong supporting documentation justifying the necessity for reselecting an individual who has already once served as counselor. Prospective participants should be individually interviewed by a

representative of the sponsoring organization. The interviewer's report should be provided for the camp director's review. Each participant should submit a confidential reference from a teacher or employer to the sponsoring organization, a copy of which should be made available to the Camp Director. All participants must be fluent in English and be at least 18 years of age upon departure from their home country. The sponsor is responsible for handling the arrival of the counselors, completing transportation arrangements and directing them to their assigned camp.

(2) *Orientation.* Orientation, both pre-departure and upon arrival in the United States, should be provided to all Counselors. The orientation should be designed to give the counselors a good basic knowledge of the United States, its people, and a description of the varieties of American camps. It should provide clear descriptions of the roles and responsibilities of camp counselors and camp specialists, as well as the contractual obligations between the sponsoring organization, camp, and counselor. Counselors should be fully informed of the nature of the programs in which they are participating. Each should be given a general orientation manual by the sponsor and descriptive information about their assigned camps. They should participate in a training session conducted by the sponsoring organization and a precamp training session sponsored by the cooperating camp. The camp or the sponsor must provide the counselors a detailed job description and a copy of these guidelines at the beginning of this pre-camp training session. Counselors should be provided with some type of identification card which includes the name and phone number of an official of the sponsoring organization as well as the name and number of the Exchange-Visitor Program in which they are participating. It should contain the counselor's name and home address as well as the cooperating camp's name, address, telephone number and name of the camp director.

(3) *Health and accident insurance.* It is the responsibility of the program sponsor to make certain that each participant is adequately covered with health and accident coverage. This may be done in any of the following ways: (i) by health and accident coverage arranged for by the counselors themselves, (ii) by health and accident insurance coverage arranged for by the sponsor or (iii) by the sponsor assuming all financial responsibilities for a counselor's illnesses and accidents from the time they leave their home country until they return to their home country.

(4) *Geographical distribution.* Sponsors should develop plans to ensure that groups of counselors, especially those of the same nationality, are not "clustered" in the same camps in certain areas. Every effort should be made to have the international counselors widely dispersed throughout the country. As a general rule, not more than 10 percent of the total number of counselors at a camp should be international counselors, nor should there be more than two international counselors of the same nationality at one camp. An exception to this requirement will be made by USICA for camps which have specific ethnic, language or nationality programming as a prime or principal programming concept.

(5) *Supervision.* The sponsor must assume the responsibility of resolving problems including, if necessary, finding a replacement camp position for counselors whose original assignment does not work out, and the early return home of the counselors because of personal or family difficulties. The sponsor must provide both the cooperating camp and the counselor with the names and telephone numbers of officials of the sponsoring organization who can be contacted at any time in case of an emergency or other problems. The sponsoring organization should have offices or personnel available both in the United States and abroad for this purpose. All counselors should have a prearranged camp assignment before their departure for the United States. Participants may be placed only in counseling positions. The intent of this program is principally one of cultural exchange and not one intended for staffing purposes or to provide an inexpensive labor pool. Therefore, participants may not be placed in office or kitchen or custodial jobs or other jobs which are basically menial labor. Sponsors must make every effort to assure that individual counselors are placed with the particular camp which seems to promise the greatest compatibility for the counselor and the camp. Such arrangements should be made well in advance so that the prospective counselors and camp directors will have ample time for correspondence before the counselors leave their home country. Sponsoring organizations should notify participants of their camp placement at least five weeks prior to their departure for the United States. Cooperating camps should be given the background data and arrival information of the participants at least five weeks prior to their arrival in the United States. The sponsoring organization should have a representative visit and inspect as many camps as possible where their exchange visitors are placed. It is important that the cooperating camps guarantee that when an international counselor drives a motor vehicle in connection with asigned duties that the state laws are being met and that there is sufficient insurance coverage. International counselors should be allowed at least 24 hours off each two weeks (with at least 12 hours continuous). International counselors must be able to leave camp on day(s) off and the camp should assist the counselors with accessible, affordable transportation to and from the nearest town.

(6) *Financial responsibility.* Sponsors must ensure that all participants will return home at no charge to the U.S. Government. Sponsors are required to have available for review by USICA an audited annual financial statement of its operations. The financial statement should include an itemized list of the salaries of the officers of the organization.

(7) *Evaluation reports.* Sponsors will furnish USICA an evaluation report of their programs at the end of each camping year (no later than November 1). Reports should include but not be limited to: (i) Number of participants and countries of origin; (ii) georgraphic distributioin of counselors within the United States, by State; (iii) noteworthy achievements or major problems or difficulties encountered; (iv) details regarding the extent to which the sponsor has evaluated the success of the program including specific examples of how counselors enhance the knowledge of Americans about other lands and other people and vice versa; and (v) names and addresses of persons and organizations in the United States and abroad assisting in the administration of the program. The annual evaluation report shold also include copies of the program materials (forms, instruction sheets, publications, information folders, etc.) and a copy of the health and accident insurance policy provided for the counselor. The copy of the health and accident insurance policy must be included every year. Other materials once provided need not be duplicated. Only new or updated materials need be included in the annual report in ensuing years.

(8) *Post camp cultural experience.* Every international counselor should be given an opportunity to participate in at least a two week cultural experience at the end of his or her camp assignment. This experience can be accomplished

either (i) by a group tour aranged by the sponsoring organization or (ii) by independent travel preferably with a small group of fellow international counselors or American friends. The international counselor who plans independent travel should send a proposed itinerary to the sponsoring organization so that the counselor can be contacted in case of an emergency.

(9) *Departure.* Program sponsors are required to take all necessary action to ensure the departure of the participants at the conclusion of their authorized stay. The Immigration and Naturalization Service must be notified of any Camp Counselor who fails to depart the United States on schedule.

(Sec. 4, 63 Stat. 111; secs. 102, 109 (a), (b), (d), 75 Stat. 527, 534, 535; secs. 101(a)(15)(J), 104(a), 212(e), 66 Stat. 166, 174, 182, 184; sec. 2, 84 Stat. 116, 117 (22 U.S.C. 2658, 2452; (8 U.S.C. 1101(a)(15)(J), 1104(a), 1182(e), 1258); Reorg. Plan No. 2 of 1977; E.O. 12048 of March 27, 1978).

E.O. 12291 Federal Regulation

USICA has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dated: December 11, 1981.

Charles Z. Wick,

Director, International Communication.

[FR Doc. 81-37122 Filed 12-30-81; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-192-81]

Tax-Exempt Financing for Qualified Mass Commuting Vehicles

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the issuance of tax-exempt bonds for the acquisition of qualified mass commuting vehicles. Changes to the tax law were made by the Economic Recovery Tax Act of 1981. The regulations would provide guidance to issuers and holders of obligations used for the acquisition of such vehicles.

DATES: Written comments and requests for a public hearing must be delivered or mailed by March 1, 1982. The amendments are proposed to be effective with respect to obligations issued after August 13, 1981, and before January 1, 1985.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, 1111 Constitution Avenue NW., Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Susan K. Thompson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 103(b)(4)(I) and (9) of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 811 of the Economic Recovery Tax Act of 1981 (95 Stat. 349) and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Explanation of New Provisions

Under section 103, interest on State and local government obligations is generally exempt from Federal income tax. However, tax exemption is denied to State and local government issues of industrial development bonds with certain exceptions. Certain industrial development bonds qualify for the exemption where the proceeds of the bonds are used to provide exempt facilities. Included among these facilities are mass commuting facilities, but not, under prior law, the vehicles used for mass commuting purposes.

The Economic Recovery Tax Act of 1981 provides that interest on obligations or a State or local government are exempt from Federal income tax if substantially all of the proceeds of the obligations are used to provide qualified mass commuting vehicles. This term is defined to mean a bus, subway car, rail car, or similar equipment leased to a mass transit system that is wholly owned by one or more governmental units and that is used by the mass transit system in providing mass commuting services.

Comments and Requests for a Public Hearing

Before the adoption of these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Regulatory Flexibility Act

Although this is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed are interpretative and that the notice and public procedure requirements of U.S.C. 553 do not apply. Accordingly, these proposed amendments do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Drafting Information

The principal author of these proposed regulations is Susan K. Thompson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Section 1.103-8 is amended by redesignating paragraph (i) as paragraph (k) and by adding new paragraphs (i) and (j) immediately following paragraph (h). These added paragraphs read as follows:

§ 1.103-8 Interest on bonds to finance certain exempt facilities.

* * * * *

(i) *Qualified hydroelectric generating facilities.* [Reserved]

(j) *Qualified mass commuting vehicles*—(1) *General rule.* Section 103(b)(4)(I) provides that section 103(b)(1) shall not apply to obligations

issued by a State or local governmental unit which are part of an issue substantially all the proceeds of which are to be used to provide qualified mass commuting vehicles. The term "qualified mass commuting vehicle" is defined in section 103(b)(9) and paragraph (j)(2) of this section. Section 103(b)(4)(I) and (9) and this paragraph (j) apply only to obligations issued after August 13, 1981, and before January 1, 1985.

(2) *Qualified mass commuting vehicle defined.* For purposes of section 103(b)(4)(I) and (9) and this paragraph, the term "qualified mass commuting vehicle" means any bus, subway car, rail car or similar equipment—

(i) That is leased to a mass transit system wholly owned by one or more governmental units, or agencies or instrumentalities or a governmental unit, and

(ii) That is used by the mass transit system in providing mass commuting services.

(3) *Similar equipment.* For purposes of paragraph (j)(2) of this section, the term "similar equipment" means a vehicle for the transportation of passengers. Thus, for example, the term "similar equipment" includes a streetcar, cable car, van, hydroplane, or ferry vessel. It also includes a vehicle used to power a vehicle that transports passengers, such as the engine car of a subway train. The term "similar equipment" does not include machinery, furniture, or other equipment or parts not attached to, located in, or otherwise made an integral part of a vehicle. Machinery, furniture, or other non-vehicular equipment not made a part of a vehicle as described in the preceding sentence may qualify as a part of, or as functionally related and subordinate to, a mass commuting facility under section 103(b)(4)(D) and § 1.103–8(a)(3). For other rules relating to mass commuting facilities, see § 1.103–8(e)(2)(iv).

(4) *Mass commuting services.* A transportation service is a mass commuting service within the meaning of section 103(b)(9) and this paragraph (j) if it is used predominantly by business commuters on a day-to-day basis. Thus, for example, a sightseeing service is not a mass commuting service because it is not used predominantly by business commuters. Likewise, the transportation of children to and from school is not a mass commuting service.

(5) *Public use requirement.* To qualify under section 103(b)(4) and paragraph (a)(2) of this section as a mass commuting vehicle, the vehicle must serve or be available on a regular basis for general public use. A vehicle will not qualify under this section if more than an insubstantial portion of its use is reserved for the exclusive benefit of particular individuals or private groups. For example, a van used by employees of a specific employer or employers will not qualify as a mass commuting vehicle.

(6) *Wholly owned by governmental unit.* Section 103(b)(9) and paragraph (j)(2) of this section require that a qualified mass commuting vehicle be leased to a mass transit system wholly owned by one or more governmental units (or agencies or instrumentalities of a governmental unit). In determining whether an entity qualifies as a governmental unit or agency or instrumentality of a governmental unit, the rules of section 103(a)(1) and § 1.103–1 apply.

* * * * *

Approved: December 24, 1981.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 81-37277 Filed 12-28-81; 5:03 pm]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

38 CFR Part 17

Health Professional Scholarship Program

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The "Veterans Administration Health Care Amendments of 1980" established the Veterans Administration Health Professional Scholarship Program. The purpose of the Scholarship Program is to assist in providing an adequate supply of trained physicians and nurses for the Veterans Administration and for the Nation and, if needed by the Veterans Administration, certain other health-care professionals. Under this program, medical, osteopathic and nursing students could receive up to four years of financial assistance during their training. This assistance would include payment of tuition, other educational expenses and a monthly stipend, all of which would be exempt from taxation. In return for this financial assistance, a scholarship participant would be obligated to serve as a full-time employee in the VA's Department of Medicine and Surgery for a period of time equal to the period of support or two years, whichever is greater. Medical or osteopathic students may request a deferment of obligated service to complete a residency or other advanced clinical training. Such a deferment may, however, obligate the student to an additional period of service.

It is intended that the proposed regulations will set forth the requirements for the award of scholarships under the VA Professional Health Scholarship Program to students receiving academic training in medicine, osteopathy, nursing and, if needed by the Veterans Administration, certain other health-care professionals. However, for the 1982–83 school year, scholarships will be awarded only to students pursuing academic training leading to a degree in nursing.

DATES: Comments must be received on or before February 1, 1982. It is proposed to make these regulations effective the date of final approval.

ADDRESSES: Interested persons are invited to send written comments to: Administrator of Veterans Affairs (271A), 810 Vermont Avenue, NW, Washington, D.C. 20420. All written comments received will be available for public inspection in the Veterans Services Unit, room 132, at the address shown above only between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until February 16, 1982. Records are available for inspection only at VA Central Office.

FOR FURTHER INFORMATION CONTACT: Ms. Dorothy E. Reese, Associate Director, Affiliated Education Programs Services, Office of Academic Affairs, Department of Medicine and Surgery, Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420, Phone (202) 389–3829.

SUPPLEMENTARY INFORMATION: The proposed regulations for the Veterans Administration Health Professional Scholarship Program have been designated as non-major by the Administrator under Executive Order 12291. The regulations will apply to individuals seeking benefits of the program. The regulations will not result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment investment, productivity, innovation, or on the ability of United States-based enterprise to compete with foreign-based enterprises in domestic or export markets.

The Administrator hereby certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substanital number of small entities as they are

defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this proposed rule is therefore exempt from the initial and final regulatory flexibility analyses requirement of sections 603 and 604. The reason for this certification is that this rule will, almost exclusively, be directed to individuals who wish to apply for assistance from the VA Professional Nurse Scholarship Program. It will, therefore, have no significant direct impact on small entities (i.e., small business, small private and non-profit organizations, and small governmental jurisdictions.)

The Catalog of Federal Domestic Assistance number for this program is 64.023.

Approved: December 16, 1981.

Robert P. Nimmo,

Administrator.

PART 17—MEDICAL

It is proposed to amend 38 CFR Part 17 by adding §§ 17.600 through 17.612 to read as follows:

* * * * *

VA Health Professional Scholarship Program

Sec.

17.600 Purpose.
17.601 Definitions.
17.602 Eligibility.
17.603 Availability of scholarships.
17.604 Application for the scholarship program.
17.605 Selection of participants.
17.606 Award procedures.
17.607 Obligated service.
17.608 Deferment of obligated service.
17.609 Pay during period of obligated service.
17.610 Failure to comply with terms and conditions of participation.
17.611 Bankruptcy.
17.612 Cancellation, waiver or suspension of obligation.

Authority: 38 U.S.C. 4141–4146.

VA Health Professional Scholarship Program

§ 17.600 Purpose.

The purpose of §§ 17.600 through 612 is to set forth the requirements for the award of scholarships under the Veterans Administration Health Professional Scholarship Program (Pub. L. 96–330; 38 U.S.C. 4141–4146) to students receiving academic training in medicine, osteopathy or nursing to assure an adequate supply of such health professionals for the Veterans Administration and for the Nation.

§ 17.601 Definitions.

For the purpose of these regulations:

(a) "Acceptable level of academic standing" means the level at which a full-time student retains eligibility to continue in attendance in school under the school's standards and practices.

(b) "Act" means the Veterans Administration Health-Care Amendments of 1980, Pub. L. 96–330, (38 U.S.C. 4141–4146.)

(c) "Affiliation agreement" means a Memorandum of Affiliation between a Veterans Administration health care facility and a school of medicine or osteopathy.

(d) "Approved graduate training" means those programs of graduate training in medicine including osteopathy which (1) lead to eligibility for board certification or which provide other evidence of completion, and (2) have been approved by the appropriate body as determined by the Administrator.

(e) "Administrator" means the Administrator of Veterans Affairs.

(f) "Chief Medical Director" means the Chief Medical Director of the Department of Medicine and Surgery (DM&S), Veterans Administration.

(g) "Citizen of the United States" means any person born, or lawfully naturalized in the United States, subject to its jurisdiction and protection, and owing allegiance thereto.

(h) "Degree in nursing" means a course of study leading to a baccalaureate degree or a master's degree in a clinical specialty, excluding maternal-child health, pediatrics, midwifery and related fields for which the Veterans Administration has no employment needs.

(i) "Full-time student" means an individual pursuing a course of study leading to a degree in medicine, osteopathy or nursing who is enrolled for a sufficient number of credit hours in any academic term to complete the course of study within not more than the number of academic terms normally required by the school, college or university.

(j) "Required educational equipment" means educational equipment which must be rented or purchased by all students pursuing a similar curriculum in the school.

(k) "Required fees" means those fees which are charged by the school to all students pursuing a similar curriculum.

(l) "Scholarship Program" means the Veterans Administration Health Professional Scholarship Program authorized by Section 201 of the Act.

(m) "Participant" means an individual whose application to the Scholarship Program has been approved and whose contract has been accepted by the Administrator.

(n) "School" means a school of medicine, osteopathy or nursing which (1) provides training leading to a degree of doctor of medicine, doctor of osteopathy or degree in nursing and (2) which is accredited by a body or bodies recognized for accreditation by the Administrator.

(o) "School year" means all or part of the 12-month period from July 1 through June 30 during which an applicant is enrolled in the school as a full-time student.

(p) "State" means one of the several States, Territories and possessions of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

§ 17.602 Eligibility.

(a) To be eligible for a scholarship under this program an applicant must—

(1) Be accepted for enrollment or be enrolled as a full-time student in an accredited school located in a State;

(2) Be pursuing a course of study or program offered by a school of nursing leading to a degree in medicine, osteopathy or a degree in nursing;

(3) Be a citizen of the United States; and

(4) Submit an application to participate in the Scholarship Program together with a signed contract. (38 U.S.C. 4142(a))

(b) Any applicant who, at the time of application, owes a service obligation to another Federal program to perform service after completion of the course of study is ineligible to receive a scholarship under the Veterans Administration Scholarship Program. (38 U.S.C. 4142(a)(4)).

§ 17.603 Availability of scholarships.

Scholarships will be awarded only when necessary to assist the Veterans Administration in alleviating shortages or anticipated shortages of personnel in particular health professions. The existence of a shortage of personnel will be determined in accordance with specific criteria for each health profession, promulgated by the Chief Medical Director. If it becomes necessary for the Veterans Administration to award scholarships in any health profession other than medicine, osteopathy or nursing, the Administrator may publish a list of those professions in the **Federal Register**. (38 U.S.C. 4142(c)(2))

§ 17.604 Application for the scholarship program.

Each individual desiring a scholarship under this program must submit an application in the form and at the time prescribed by the Administrator. Included with the application will be a

signed written contract to accept payment of a scholarship and to serve "a period of obligated service" (as defined in § 17.607) if the application is approved and if the contract is accepted by the Administrator. (38 U.S.C. 4142(e)(1)(B)(iv))

§ 17.605 Selection of participants.

(a) *General.* In deciding which Scholarship Program applications will be approved by the Administrator, priority will be given to applicants who previously received scholarship awards and who meet the conditions of paragraph (d) of this section. Except for continuation awards (see paragraph (d)), applicants will be evaluated under the criteria specifed in paragraph (b) of this section. (38 U.S.C. 4142(c)(1))

(b) *Selection.* In evaluating and selecting participants, the Administrator will take into consideration those factors determined necessary to assure effective participation in the Scholarship Program. The factors may include, but not be limited to—

(1) Work experience, including prior medically related employment and Veterans Administration employment;

(2) Faculty and employer recommendations;

(3) Academic performance; and

(4) Related experience gained in college and community activities. (38 U.S.C. 4142(i))

(c) *Duration of scholarship award.* Subject to the availability of funds for the Scholarship Program, the Administrator will award a participant a scholarship under §§ 17.600–17.612 for a period of 1 school year. (38 U.S.C. 4142(e)(1)(A); 4146)

(d) *Continuation awards.* Subject to the availability of funds for the Scholarship Program and selection, the Administrator will award a continuation scholarship if—

(1) The participant request a continuation;

(2) The award will not extend the total period of Scholarship Program support beyond 4 years; and

(3) The participant remains eligible for continued participation in the Scholarship Program. (38 U.S.C. 4142(c)(1), (i))

§ 17.606 Award procedures.

(a) *Amount of scholarship.* (1) A scholarship award for each school year will consist of (i) tuition, (ii) reasonable educational expenses, including required fees, books, laboratory equipment, and (iii) a monthly stipend for the 12-month period beginning with the first month of each school year in which the participant is enrolled in the course of study. All such payments to scholarship participants are exempt from taxation. (38 U.S.C. 4145)

(2) The Administrator may make arrangements with the school in which the participant is enrolled for the direct payment of the amount of tuition and/or reasonable educational expenses on the participant's behalf. (38 U.S.C. 4142(f)(1) and (2); 4145)

(b) *Leave-of-absence, repeated course work.* The Administrator will suspend scholarship payments to or on behalf of a participant if the school (1) approves a leave-of-absence for the participant for health, personal, or other reasons, or (2) requires the participant to repeat course work for which the Administrator previously has made payments under the Scholarship Program. Only if the repeated course work does not delay the participant's graduation date, will scholarship payments continue; however, additional costs relating to the repeated course work will not be paid under this program. Any scholarship payments suspended under this section will be resumed by the Administrator upon notification by the school that the participant has returned from the leave-of-absence or has completed the repeated course work and is pursuing as a full-time student the course of study for which the scholarship was awarded. (38 U.S.C. 4142(i)).

§ 17.607 Obligated service.

(a) *General.* Except as provided in paragraph (d) of this section, each participant is obligated to provide service as a Veterans Administration employee in full-time clinical practice in his or her clinical specialty or discipline in an assignment or location determined by the Administrator. (38 U.S.C. 4143(a))

(b) *Beginning of service.* The period of obligated service will begin with the participant is appointed under title 38 as a full-time employee of the Department of Medicine and Surgery, Veterans Administration in the clinical field or discipline in which the individual was trained. Except for those participants who receive a deferral under § 17.608, the assignment will be made by the Administrator within 60 days of (1) the completion of the participant's course of study leading to a degree in medicine, osteopathy or nursing or (2) the date upon which the participant becomes licensed to practice medicine, osteopathy, or nursing. (38 U.S.C. 4143(b), (c))

(c) *Duration of service.* Except as provided in paragraph (d) of this section, the period for which the participant is obligated on a full-time basis in the clinical field or discipline in which the individual was trained to serve is equal to 1 year for each school year for which the participant receives a scholarship award under these regulations, or 2 years, whichever is greater. (38 U.S.C. 4142(e)(1)(B)(iv))

(d) *Service by detail.* The Administrator, in cooperation with and with the consent of the heads of other relevant Federal departments and agencies and with the consent of the participant involved, may permit—

(1) Any period of required obligated service to be performed in another Federal department or agency or in the Armed Forces; and

(2) Any period of obligated service required to be performed in another Federal department or agency or in the Armed Forces under another Federal health personnel scholarship program to be performed in the Department of Medicine and Surgery, Veterans Administration. (38 U.S.C. 4144(e))

(e) *Creditability of approved graduate medical training.* No period of approved graduate training will be credited toward satisfying the period of obligated service incurred under the Scholarship Program. (38 U.S.C. 4143(b)(3)(A)(ii))

§ 17.608 Deferment of obligated service.

(a) *Request for deferment.* A participant receiving a degree from a school of medicine or osteopathy may request deferment of obligated service to complete approved graduate medical training. The Administrator will generally defer the beginning date of the obligated service to allow the participant to complete the approved graduate training program. The period of this deferment will be the time designated for the specialty training in which the physician is enrolled as defined by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association. (38 U.S.C. 4142(i); 4143(b)(3)(A)(i))

(b) *Deferment requirements.* Any participant whose period of obligated service is deferred shall be required to take all or part of the approved graduate medical training in an accredited program in an educational institution affiliated with a Veterans Administration health care facility. (38 U.S.C. 4143(b)(4)(A))

(c) *Additional service obligation.* A participant who has requested and received deferment of approved graduate medical training may, at the time of approval of such deferment and at the discretion of the administrator and upon the recommendation of the Chief Medical Director, incur an additional period of obligated service—

(1) At the rate of one-half of a calendar year for each year of approved graduate training (or a proportionate

ratio thereof) if the training is in a medical specialty determined to be necessary to meet health care requirements of the Department of Medicine and Surgery, Veterans Administration; or

(2) At the rate of three-quarters of a calendar year for each year of approved graduate training (or a proportionate ratio thereof) if the training is in a medical specialty determined not to be necessary to meet the health care requirements of the Department of Medicine and Surgery. Specialties necessary to meet the health care requirements of the Department of Medicine and Surgery will be prescribed periodically by the Administrator when, and if, this provision for an additional period of obligated service is to be used. (38 U.S.C. 4143(b)(4)(B))

(b) *Altering deferment.* Before altering the length or type of approved graduate medical training for which the period of obligated service has deferred under paragraphs (a) or (b) of this section, the participant must request and obtain the Administrator's written approval of the alteration. (38 U.S.C. 4142(i))

(e) *Additional terms of deferment.* The Administrator may prescribe additional terms and conditions for deferment under paragraphs (a), (b), (c) and (d) of this section as necessary to carry out the purposes of the Scholarship Program. (38 U.S.C. 4142(i))

(f) *Beginning of service after deferment.* Any participant whose period of obligated service has been deferred under paragraph (a) or (b) of this section must begin the obligated service effective on the date of appointment under title 38 in full-time clinical practice in an assignment or location in a Veterans Administration health care facility as determined by the Administrator. The assignment will be made by the Administrator within 120 days prior to or no later than 30 days following the completion of the requested graduate training for which the deferment was granted. Travel and relocation regulations will apply. (38 U.S.C. 4143(b)(2))

§ 17.609 Pay during period of obligated service.

The initial appointment of physicians for obligated service will be made in a grade commensurate with qualifications as determined in section 4107(b)(1) of title 38, United States Code. A physician serving a period of obligated service is not eligible for incentive special pay during the first three years of such obligated service. He or she may be paid primary special pay at the discretion of the Administrator upon the recommendation of the Chief Medical Director. (Pub. L. 96-330, Sec. 202; 38 U.S.C. 4118(h))

§ 17.610 Failure to comply with terms and conditions of participation.

(a) If a participant, other than one described in paragraph (b) of this section fails to accept payment or instructs the school not to accept payment of the scholarship provided by the Administrator, the participant must, in addition to any service or other obligation incurred under the contract, pay to the United States the amount of $1,500 liquidated damages. Payment of this amount must be made within 90 days of the date on which the participant fails to accept payment of the scholarship award or instructs the school not to accept payment. (38 U.S.C. 4144(a))

(b) When a participant fails to maintain an acceptable level of academic standing, is dismissed from the school for disciplinary reasons, voluntarily terminates the course of study or program for which the scholarship was awarded before completing the course of study or program, or fails to become licensed to practice medicine or osteopathy in a State or fails to become licensed as a graduate nurse in a State within 2 years from the date such person becomes eligible to appy for state licensure, the participant must, instead of performing any service obligation, pay to the United States an amount equal to all scholarship funds awarded under the written contract executed in accordance with § 17.602. Payment of this amount must be made within 3 years from the date academic training terminates. (38 U.S.C. 4144(b))

(c) Participants who breach their contracts by failing to begin or complete their service obligation (for any reason) are liable to repay the amount of all scholarship funds paid to them and to the school on their behalf, plus interest, as determined by the following formula:

$$A = 30\,\frac{(t-s)}{t}$$

in which:

'A' is the amount the United States is entitled to recover;

'0' is the sum of the amounts paid to or on behalf of the applicant and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States;

't' is the total number of months in the applicant's period of obligated service; and

's' is the number of months of the period of obligated service served by the participant.

The amount which the United States is entitled to recover shall be paid within 1 year of the date on which the applicant failed to begin or complete the period of obligated service, as determined by the Administrator. (38 U.S.C. 4144(c))

§ 17.611 Bankruptcy.

Any payment obligation incurred may not be discharged in bankruptcy under title 11 of the United States Code until 5 years after the date on which the payment obligation is due. (38 U.S.C. 4144(d)(3))

§ 17.612 Cancellation, waiver, or suspension of obligation.

(a) Any obligation of a participant for service or payment will be canceled upon the death of the participant. (38 U.S.C. 4144(d)(1))

(b)(1) A participant may seek a waiver or suspension of the service or payment obligations incurred under this program by written request to the Administrator setting forth the basis, circumstances, and causes which support the requested action. The Administrator may approve an initial request for a suspension for a period of up to 1 year. A renewal of this suspension may also be granted.

(2) The Administrator may waive or suspend any service or payment obligation incurred by a participant whenever compliance by the participant (i) is impossible, due to circumstances beyond the control of the participant or (ii) whenever the Administrator concludes that a waiver or suspension of compliance would be in the best interest of the Veterans Administration. (38 U.S.C. 4144(d)(2))

(c) Compliance by a participant with a service or payment obligation will be considered impossible due to circumstances beyond the control of the participant if the Administrator determines, on the basis of information and documentation as may be required, that the participant suffers from a physical or mental disability resulting in permanent inability to perform the service or other activities which would be necessary to comply with the obligation. (38 U.S.C. 4144(d)(2))

(d) Waivers or suspensions of service or payment obligations, when not related to paragraph (c) of this section, and when considered in the best interest of the Veterans Administration, will be

determined by the Administrator on an individual basis. (38 U.S.C. 4144(d)(2))

[FR Doc. 81-37229 Filed 12-30-81; 8:45 am]
BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 426

Acreage Limitation: Reclamation Rules and Regulations and Draft Environmental Impact Statement

AGENCY: Bureau of Reclamation, Interior.

ACTION: Extension of comment periods and scheduling of public hearings on proposed rules and draft environmental impact statement on acreage limitation.

SUMMARY: This notice extends the comment periods on the acreage limitation proposed rules (46 FR 37528, July 21, 1981) and draft environmental impact statement (46 FR 37529, July 21, 1981) from December 31, 1981, to March 5, 1982. The extension will allow the Bureau of Reclamation time to conduct 10 public hearings. The information gathered at these hearings will be considered before making any revisions to the published proposed rules and regulations (46 FR 3350–3358) for administering the acreage limitation provisions of Reclamation law and in writing the final environmental impact statement on those rules.

DATES: Comments are due on or before March 5, 1982. The hearings will be held on the dates shown below. All hearings will begin at 9:00 a.m. and will continue until all comments have been heard.

ADDRESSES: The hearings will be held at the locations shown below.

FOR FURTHER INFORMATION CONTACT: Vernon S. Cooper, (202) 343–2148.

SUPPLEMENTARY INFORMATION: The hearings will be held on the dates and at the locations shown below.

Feb. 16—Red Lion Inn, Pasco, Washington
Feb. 17—Federal Building, Room 3421, Salt Lake City, Utah
Feb. 18—Fresno Convention Center, Fresno, California
Feb. 19—Albuquerque Convention Center, Sandia-Santa Anna Room, Albuquerque, New Mexico
Feb. 23—Sacramento Convention Center, Sacramento, California
Feb. 24—Holiday Inn West, Billings, Montana
Feb. 25—Red Lion Downtowner, Boise, Idaho
Phoenix Civic Plaza, Room S-10, Phoenix, Arizona
Feb. 26—Department of the Interior, Auditorium, Washington, DC

Oral statements will be limited to minutes. Speakers will not be permitted to trade their time to obtain a longer oral presentation; however, the hearings officer may allow any person additional time after all other comments have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request, whenever possible. Any scheduled speaker not present when called will lose his or her privilege in the scheduled order, but will be recalled after all the scheduled speakers have been heard. Speaker requests will be scheduled up to two working days preceding the hearings and any subsequent request will be handled on a first-come-first-served basis following the scheduled presentations.

Individuals or organizations wishing to speak at the hearings or who desire additional information should contact the appropriate office listed below:

Hearing: Pasco, Washington and Boise, Idaho.

Contact: Regional Director, Pacific-Northwest Region, Bureau of Reclamation, 550, West Fort Street, P.O. Box 043, Boise, Idaho 83724, (208) 334–1908.

Hearing: Sacramento and Fresno, California.

Contact: Regional Director, Mid-Pacific Region, Bureau of Reclamation, Federal Office Building, 280 Cottage Way, Sacramento, California 95825, (916) 484–4680.

Hearing: Phoenix, Arizona.

Contact: Regional Director, Lower Colorado Region, Bureau of Reclamation, Nevada Highway and Park Street, P.O. Box 427, Boulder City, Nevada 89005, (702) 293–7652.

Hearing: Salt Lake City, Utah.

Contact: Regional Director, Upper Colorado Region, Bureau of Reclamamtion, 125 South State Street, P.O. Box 11568, Salt Lake City, Utah 84147, (801) 524–5457.

Hearing: Albuquerque, New Mexico.

Contact: Regional Director, Southwest Region, Bureau of Reclamation, 714 South Tyler, Amarillo, Texas 79101, (806) 378–5400.

Hearing: Billings, Montana.

Contact: Regional Director, Upper Missouri Region, Bureau of Reclamation, 316 North 26th Street, P.O. Box 2553, Billings, Montana 59103, (406) 657–6412.

Hearing: Denver, Colorado.

Contact: Regional Director, Lower Missouri Region, Bureau of Reclamation, Building 20, Denver, Federal Center, P.O. Box 25247, Denver, Colorado 80225 (303) 234–3327.

Hearing: Washington, DC.

Contact: Commissioner, Bureau of Reclamation, Attention: Code 410, 18th and C Streets NW., Washington, DC 20240, (202) 343–2148.

Those wishing to supplement their testimony with a written statement or those who would prefer to submit only a written statement for the public hearing testimony should address them to: Mr. Phillip T. Doe, Bureau of Reclamation, E&R Center, Code D–700, P.O. Box 25007, Denver, Colorado 80225.

Public hearing testimony will be summarized and responded to in the final environmental impact statement. Written statements will be processed in a like manner.

Dated: December 23, 1981.

R. N. Broadbent,

Commissioner, Bureau of Reclamation.

[FR Doc. 81-37353 Filed 12-30-81; 8:45 am]
BILLING CODE 4310-09-M

Bureau of Land Management

43 CFR Part 3500

Federal Oil Shale Management Program

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to propose rules; prepare an Environmental Impact Statement and hold scoping meetings.

SUMMARY: This document serves as public notice of intent to publish proposed regulations for Federal oil shale management, prepare an Environmental Impact Statement (EIS) pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, hold scoping meetings on the EIS, and to hold a Regional Oil Shale Team (ROST) meeting.

DATES: The meetings will be held on February 1–5, 1982.

ADDRESSES: The meeting locations are listed in Supplementary Information below.

FOR FURTHER INFORMATION CONTACT: On the EIS: Jack D. Edwards, Environmental Statement Office, Bureau of Land Management, 555 Zang Street, Denver, Colorado 80025, Telephone: Commercial—303–234–6737, FTS—234–6737.

On the Rulemaking: Donald W. Brabson, Branch of Tar Sands and Oil Shale, Bureau of Land Management, Washington, D.C. 20240, Telephone: Commercial—202–343–4537, FTS—343–4537.

SUPPLEMENTARY INFORMATION: The regulations will cover such things as lands subject to leasing, acreage or lease size limitation, diligent

development requirements, and rentals and royalties. Additionally, the regulations may include requirements to guide tract selection, lease management procedures, and surface management and protection standards.

The EIS will consider alternative methods of leasing oil shale, alternative production levels, and alternative energy sources. Regional and cumulative impacts of oil shale development, particularly in Colorado, Utah, and Wyoming, will be assessed. The cumulative analysis will include other development in those areas (i.e., coal, oil and gas, power plants, recreation projects, other oil shale projects, etc.). The Department intends to publish proposed rules and the draft programmatic EIS in July 1982, the final EIS in December 1982, and the final rules in January 1983.

A series of scoping meetings for the programmatic EIS will be held during the first week of February 1982. These meetings are open to the public. Interested persons are invited to attend the meetings, and to submit oral and written comments on the scoping of the EIS and the program. In addition, oral and written comments may be submitted until February 19, 1982, to either of the parties listed under the section of this notice entitled, "For Further Information Contact."

Specifically, the meetings are scheduled for:

Monday, February 1, 1982—1 p.m., Room 269, Main Post Office Building Auditorium, 18th and Stout, Denver, Colorado

Tuesday, February 2, 1982—1 p.m., Room 128, Salt Palace, Salt Lake City, Utah

Wednesday, February 3, 1982—7 p.m., Golden Age Center, 155 South 100 West, Vernal, Utah

Wednesday, February 3, 1982—7 p.m., Signal Room, Holiday Inn, 16755 Sunset Drive, Rock Springs, Wyoming

Thursday, February 4, 1982—7 p.m., Fairfield Center, 200 Main Street, Meeker, Colorado

Friday, February 5, 1982—7 p.m., Grand Junction City Auditorium, Road Avenue between 5th and 6th Streets, Grand Junction, Colorado

The February 1, 1982, scoping meeting will be part of a Regional Oil Shale Team (ROST) meeting scheduled for the same day. The purpose of the ROST meeting is to announce and scope the proposed Federal Oil Shale Management Program and associated programmatic EIS.

The scoping process will involve contact with agencies and individuals, in addition to formal contact with other Federal, State, and local agencies and groups.

In accordance with the final regulations of the Council on Environmental Quality for Implementation of Procedural Provisions of the National Environmental Policy Act (40 CFR Part 1500) the scoping meetings will:

a. Inform affected Federal, State and local agencies, and other interested groups or individuals about the EIS and the regulations.

b. Define the scope and significant issues to be analyzed in the EIS. This includes identification of and elimination from detailed study those issues which are not significant.

c. Identify environmental reports which may be related to the proposal or may contain relevant data.

d. Identify related consultation and review requirements which will be addressed in the EIS, including identification of mandated documentation.

e. Identify subject areas which may be relevant to proposed regulations for leasing.

Dated: December 28, 1981.

James M. Parker,

Acting Director.

[FR Doc. 81-37347 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6224]

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 and proposed changes to base flood elevations 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., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0230, Washington, D.C., 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 and Section 206 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.

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

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). **Elevation in feet (MLLW)
Alabama	Unincorporated areas of Shelby County	Cahaba River	Approximately 1,000 feet upstream from Tuscaloosa Road Bridge.	*353
			Approximately 500 feet downstream from Southern Railway Bridge.	*369
			Approximately 1,200 feet upstream from County Road 52 bridge.	*403
			Approximately 800 feet downstream from confluence of Patton Creek.	*423
			Approximately 120 feet downstream from centerline of southbound lane of U.S. Highway 31.	*425
			Approximately 900 feet downstream from confluence of Acton Creek.	*428
			Approximately 1,000 feet downstream from County Road 29 (Caldwell Mild Road) bridge.	*435
		Buck Creek	Approximately 110 feet downstream from centerline of southbound lane of Interstate Highway 65.	*515
			Just upstream from U.S. Highway 31	*530
		Bishop Creek	Approximately 100 feet upstream from centerline of northbound lane of Interstate 65.	*462
			Approximately 200 feet downstream from Alabama Highway 119.	*493
			Just downstream from County Road 14	*518
		Yellowleaf Creek	Just downstream from Alabama Highway 25	*407
			Approximately 550 feet upstream from confluence of Muddy Prong.	*433
			Just upstream from County Road 51	*448
			Just downstream from County Road 55	*455
			Approximately 300 feet downstream from confluence of North Fork Yellowleaf Creek and South Fork Yellowleaf Creek.	*460
		Four Mile Creek	Approximately 100 feet downstream from County Road 61.	*423
			Just upstream from County Road 55	*459
			Just upstream from County Road 49	*476
		Muddy Prong	Just upstream from County Road 450	*440
			Just downstream from Seaboard Coast Line Railroad (upstream crossing).	*460
			Just downstream from new U.S. Highway 280	*462
			Approximately 650 feet downstream from County Road 55.	*473
		South Fork Yellowleaf Creek	Approximately 200 feet upstream from County Road 49.	*462
			Just downstream from County Road 47	*476
			Just downstream from County Road 69	*489
		Bolivar Creek	Just upstream from County Road 39	*510
		North Fork Yellowleaf Creek	Just downstream from County Road 432	*465
			Approximately 1,200 feet downstream from confluence of Spencer Creek.	*473
			Approximately 150 feet downstream from County Road 439.	*483
			Approximately 130 feet downstream from U.S. Highway 280.	*501
			Approximately 130 feet upstream from County Road 43.	*532
		Little Creek	Just upstream from Seaboard Coast Line Railroad	*478
			Just upstream from U.S. Highway 280	*484
			Just downstream from Alabama Highway 38	*493
		Hargis Retreat Creek	Approximately 150 feet upstream from U.S. Highway 280.	*501
			Approximately 200 feet upstream from Alabama Highway 38.	*507
		Spencer Creek	Just upstream from Breeched Dam	*474
			Just downstream from County Road 39	*517
			Just downstream from County Road 36	*549
		Yellow Creek	3,500 feet upstream from confluence with North Fork Yellowleaf Creek.	*506
		Waxahatchee-Big Creek	Approximately 300 feet downstream from County Road 42.	*434
			Approximately 300 feet upstream of Montevallo Road	*469
			Approximately 200 feet downstream from Tuscaloosa Road.	*479
			Approximately 250 feet downstream from confluence of Wolf Creek.	*483
		Camp Branch	Approximately 300 feet upstream from County Road 42.	*434
			Approximately 430 feet upstream from Alabama Highway 25.	*482
			Just upstream from Southern Railway	*484
			Approximately 200 feet upstream from County Road 42.	*501
			Just downstream from County Road 70	*537
		Wolf Creek	Approximately 750 feet upstream from County Road	*484
		Wildwood Creek	Just upstream from County Road 26	*521

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
		Kelley Creek	Just upstream from U.S. Highway 231	*433
			Just upstream from County Road 57	*442
		Beeswax Creek	Just upstream from County Road 61	*407
			Just upstream from County Road 30	*434
		Tributary to Beeswax Creek	Approximately 1,350 feet upstream from confluence with Beeswax Creek.	*428
		Little Beeswax Creek	Just upstream from County Road 28	*409
			Approximately 150 feet downstream from County Road 77.	*429
			Just downstream from County Road 61	*450
		Tributary to Little Beeswax Creek	Just upstream from Alabama Highway 78	*495
		Walthall Branch	Just upstream from County Road 449	*419
			Just downstream from Harpersville Corporate Limits	*443
		Locust Creek	Approximately 250 feet downstream from Southern Railway	*414

Maps available for inspection at Shelby County Planning Office, County Courthouse, Columbiana, Alabama 35051.

Send comments to Mr. Thomas A. Snowden, Jr., Chairman of Shelby County Commission or Mr. Paul Owens, Shelby County Planner, County Courthouse, P.O. Box 467, Columbiana, Alabama 35051.

Alaska	Delta Junction (city), Southeast Fairbanks Division	Jarvis Creek	700 feet southwest from intersection of Donnely Street and Shaw Avenue.	**1,168

Maps available for inspection at City Hall, Mile 265.5, Richardson Highway, Delta Junction, Alaska.

Send comments to the Honorable Jerold Barger, Box 229, Delta Junction, Alaska 99737.

Alaska	Dillingham (city), Bristol Bay Division	Nushagak Bay	100 feet southeast from the center of the intersection of State Hill Road and Dillingham Aleknagik Road.	**32
			700 feet south of the center of the intersection of C Street and Main Street.	**42

Maps available for inspection at City Hall, Dillingham, Alaska.

Send comments to the Honorable Nellie Robertson, Box 1002, Dillingham, Alaska 99576.

Arizona	Apache Junction (city), Pinal County	Weekes Wash	50 feet downstream from the center of East Superstition Boulevard.	*1,798
		Shallow Flooding Along U.S. Highway 60 and 89.	Center of East 4th Avenue, 230' feet west from its intersection with South Winchester Road.	*1,723
			Center of North Delaware Drive 100 feet north from its intersection with the center of U.S. Highway 60 and 89 (West Apache Trail).	*1,660

Maps available for inspection at Department of Public Works, 1001 North Idaho Road, Apache Junction, Arizona.

Send comments to the Honorable Wendell Clarke, 1001 North Idaho Road, Apache Junction, Arizona 85220.

Arizona	Pinal County	Gila River (at Florence)	200 feet upstream from the center of U.S. Highway 60 and 89.	*1,483
		Gila River (at Riverside)	Intersection of South Kelvin Road and Apache Way	*1,796
		Gila River (at Kearny)	Center of Hartford Road at approximately 1,100 feet west of its intersection with State Highway 177.	*1,839
		Gila River (at Hayden and Winkleman).	40 feet upstream from the center of State Highway 77	*1,936
		San Pedro River (at Dudleyville)	Intersection of Eskiminzin Wash and State Highway 77	*2,002
		San Pedro River (at Mammoth)	180 feet upstream from the center of State Highway 77.	*2,327
		Queen Creek	25 feet upstream from the center of Burr Drive	*2,010
		West Branch	100 feet downstream from the center of Queen Valley Drive.	*2,002
		North Branch Santa Cruz Wash	40 feet upstream from the center of Thornton Road	*1,371
		Weekes Wash	50 feet upstream from the center of North Apache Trail (State Highway 88).	*1,916
		Santa Cruz Wash	Intersection of Candlestick Drive and State Highway 84.	#2
		Green Wash	Intersection of Anderson Road and State Highway 84	#2

Maps available for inspection at Department of Planning, 1301 Pinal, Florence, Arizona.

Send comments to the Honorable James Karam, P.O. Box 87, Florence, Arizona 85232.

Colorado	Olathe (town), Montrose County	Uncompahgre River	25 feet upstream of intersection of State Highway 348 and Uncompahgre River.	*5,337
			Intersection of Church Avenue and 6th Street	*5,343

Maps available for inspection at Town Hall, 420 Horton Street, Olathe, Colorado.

Send comments to the Honorable John Harold, P.O. Box 36, Olathe, Colorado 81425.

Connecticut	Ridgefield, town, Fairfield County	Norwalk River	Downstream Corporate Limits	*344
			First crossing of downstream Corporate Limits	*370
			Second crossing of upstream Corporate Limits	*379
			Millers Pond Dam (upstream side)	*400
			Topstone Road (upstream side)	*416
			Stonehenge Road (upstream side)	*463
			Great Pond Road (upstream side)	*492
			State Route 35 (upstream side)	*510
			Great Hill Road (upstream side)	*531
			Downstream of Taylor Pond Dam	*563

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD) **Elevation in feet (MLLW)
		Titicus River	Downstream Corporate Limits	*496
			Ridgebury Road (upstream side)	*506
			Aspen Mill Road (upstream side)	*524
			Barlow Mountain Road (upstream side)	*574
			State Route 116 (upstream side)	*594
			Ramapoo Road (upstream side)	*674
			Approximately 650 feet upstream from Overlook Drive	*685
		Ridgefield Brook	Taylor Pond dam (upstream side)	*566
			State Route 35 (upstream side)	*573
			Approximately 6,200 feet upstream from Farmington Road.	*578
		Cooper Pond Brook	Confluence with Norwalk River	*350
			Candees Pond dam (upstream side)	*359
			Stony Hill Road (upstream side)	*461
			Cooper Road (upstream side)	*536
			Cooper Hill Road (downstream side)	*552
			Approximately 1,165 feet upstream from Old Washington Road Ford.	*584
		East Branch Silvermine River	Downstream Corporate Limits	*561
			Downstream crossing of Wilton Road East (upstream side)	*574
			Spectacle Lane (downstream side)	*584

Maps available for inspection at the Planning and Zoning Office, Ridgefield Town Hall, 400 Main Street, Ridgefield, Connecticut.

Send comments to the Honorable Louis Fossis, Chairman of the Town of Ridgefield Board of Selectmen, 400 Main Street, Ridgefield, Connecticut 06877.

Florida	Unincorporated areas of Sumter County	Withlacoochee River	Just downstream of Interstate Highway 75	*53
			Just downstream of the confluence with Little Withlacoochee River.	*54
		Little Withlacoochee River	Approximately 850 feet downstream of U.S. Highway 301.	*71
			Just upstream of the Seaboard Coastline Railroad	*72

Maps available for inspection at Sumter County Courthouse, 400 North Florida Avenue, Bushnell, Florida 33213.

Send comments to Mr. Harry Lovett, Chairman or Mr. William C. Wing, Vice Chairman, Board of County Commissioners, Sumter County Courthouse, P.O. Box 8, Bushnell, Florida 33213.

Indiana	(T), Greendale, Dearborn County	Ohio River	At confluence with Tanners Creek	*489
			At confluence with Great Miami River	*490

Maps available for inspection at the Greendale Town Hall, 510 Ridge Avenue, Lawrenceburg, Indiana.

Send comments to Honorable Dave Rader, Town Board President, Town of Greendale, Greendale Town Hall, 510 Ridge Avenue, Lawrenceburg, Indiana 47025.

Illinois	(V), Holiday Hills, McHenry County	Fox River	Within corporate limits	*739

Maps available for inspection at the Clerk's Office, Holiday Hills Village Hall, 1514 Sunset Drive, McHenry, Illinois.

Send comments to Honorable Patricia Hughes, Village President, Village of Holiday Hills, Holiday Hills Village Hall, 1514 Sunset Drive, McHenry, Illinois 60050.

Illinois	(V), Island Lake, McHenry and Lake Counties	Fox River	At confluence of Cotton Creek	*738
			Just downstream of State Route 176	*739
		Cotton Creek	About 200 feet downstream of Slocum Lake Road	*739
			Just upstream of Slocum Lake Road	*740
			Just upstream of Island Lake Dam	*751
		Mutton Creek	Just upstream of Eastway Drive	*753
			Just upstream of Gravel Pit Road	*759

Maps available for inspection at the Village Hall, 333 West State, Island Lake, Illinois.

Send comments to Honorable Al Schmidt, Mayor, Village of Island Lake, Village Hall, 333 West State, Box 365, Island Lake, Illinois 60042.

Illinois	(C), Lockport, Will County	Milne Creek	At mouth at Illinois and Michigan Canal	*580
			Just upstream of Jefferson Street	*607
			Just downstream of Division Street	*656
		Fiddyment Creek	Just downstream of State Street	*593
			Just downstream of Hamilton Street	*598
			About 0.31 mile upstream of Hamilton Street	*605

Maps available for inspection at the City Clerk's Office, City Hall, 222 East 9th Street, Lockport, Illinois.

Send comments to Honorable Joseph Bolattino, Mayor, City of Lockport, City Hall, 222 East 9th Street, Lockport, Illinois 60441.

Illinois	(C), O'Fallon, St. Clair County	Ogles Creek	Just upstream of Interstate 64	*551
			Just downstream of Old Collinsville Road	*551
		Ogles Creek Tributary	About 200 feet downstream of Crestview Drive	*551
			Just downstream of West Highway Fifty	*552
		Engle Creek	About 370 feet upstream of O'Fallon-Troy Road	*504
			Just downstream of Illinois Terminal Railroad (near confluence of Engle Creek Ditch).	*515
			Just upstream of Illinois Terminal Railroad (near confluence of Engle Creek Ditch).	*520
			Just downstream of Illinois Terminal Railroad (near divergence with Engle Creek Ditch).	*523
			Just downstream of West State Street	*533
			Just upstream of Chessie System	*542
			Just downstream of West Highway Fifty	*543
		Engle Creek Ditch	Just upstream of confluence with Engle Creek	*515
			Just downstream of divergence with Engle Creek	*525

Maps available for inspection at the City Hall, 200 North Lincoln Avenue, O'Fallon, Illinois.

Send comments to Honorable Gary Mackey, Mayor, City of O'Fallon, City Hall, 200 North Lincoln Avenue, O'Fallon, Illinois 62269.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
Illinois	(C), Pinckneyville, Perry County	Railroad Tributary	At mouth	*414
			Just downstream of State Route 127	*414
		Beaucoup Creek	About 3,500 feet downstream of State Route 154	*409
			About 1,800 feet upstream of State Route 154	*412
			Just upstream of Missouri Pacific Railroad	*415

Maps available for inspection at the Clerk's Office, City Hall, 110 South Walnut, Pinckneyville, Illinois.

Send comments to Honorable John Boyd, Mayor, City of Pinckneyville, City Hall, 110 South Walnut, Pinckneyville, Illinois 62274.

Illinois	(V), Plainfield, Will County	Du Page River	About 1.1 miles downstream of U.S. Route 30	*599
			About 200 feet downstream of State Route 59	*605
			About 1.2 miles upstream of confluence of East Norman Drain.	*612
		West Norman Drain	At mouth at Du Page River	*607
			Just upsream of Van Dyke Road	*614
			About 0.4 mile upstream of Elgin, Joliet and Eastern Railway (near Van Dyke Road).	*623
		Spring Hole Creek	About 100 feet upstream of Old Indian Boundary Line Road.	*608
			About 0.27 mile upstream of Old Indian Boundary Line Road.	*611
		East Norman Drain	Within corporate limits	*607
		Lily Cache Creek	Just upstream of Lockport Road	*598
			About 0.28 mile upstream of Lockport Road	*599

Maps available for inspection at the Clerk's Office, Village Hall, 1400 North Division Street, Plainfield, Illinois.

Send comments to Honorable Richard J. Selfridge, Village President, Village of Plainfield, Village Hall, 1400 North Divison Street, Plainfield, Illinois 60544.

Illinois	(Unincorporated), Sangamon County	Sangamon River	About 3.8 miles downstream of the Chicago and North Western Railroad.	*520
			About 3,700 feet upstream of Coal Bank Road	*539
			At the confluence of Clear Creek	*546
			About 6,300 feet upstream of Township Road 11.25 East.	*552
		South Fork Sangamon River	At mouth	*539
			About 400 feet upstream of the confluence of Horse Creek.	*545
			About 6,200 feet upstream of Township Road 8 South	*549
		Spring Creek	At the mouth	*528
			About 1,000 feet upstream of New Browning Road	*535
			Just upstream of Bradfordton Road	*545
			Just upstream of County Highway 15	*567
			Just downstream of Township Road 18 West	*635
		Sugar Creek	At mouth	*539
			Just downstream of Spaulding Dam	*547
			Just upstream of Chatham Road	*561
			Just downstream of Township Road 12 South	*572
			Just upstream of Township Road 2 West	*583
			Just upstream of Township Road 3.5 West	*592
			Just upstream of State Highway 104	*600
			Just upstream of Township Road 16 South	*611
			About 200 feet upstream of Township Road 17 South	*617
			About 3,600 feet upstream of County Highway 6 South	*630
		Brush Creek	At mouth	*551
			Just downstream of Illinois Central Gulf Railroad	*599
			Just upstream of Illinois Central Gulf Railroad	*602
			Just downstream of Township Road 17 South	*611
		Horse Creek	At mouth	*545
			Just downstream of Township Road 6 South	*546
			Just upstream of County Road 9 South	*558
			Just downstream of Township Road 13.75 South	*582
			Just upstream of Township Road 13.75 South	*585
			Just downstream of county Highway 56	*589
		Clear Creek	At mouth	*546
			Just downstream of County Highway 1A North	*554
			Just upstream of Township Road 2 North	*574
			Just upstream of County Highway 16 East	*581
			Just downstream of Old U.S. Highway 36	*582
		Hoover Branch	At mouth	*539
			About 300 feet downstream of Old U.S. Highway 3	*539
			Just upstream of Old U.S. Highway 36	*544
			At the Springfield corporate limits	*558
		Jacksonville Branch	At mouth	*540
			About 600 feet downstream of Churchill Road	*540
			Just downstream of Churchill Road	*542
		Town Branch	At mouth	*536
			About 150 feet upstream of Amos Avenue	*536
			Just downstream of Lincoln Avenue	*538
			About 220 feet upstream of Lincoln Avenue	*542

Maps available for inspection at the Sangamon County Planning Commission Office, 703 Meyers Building, Springfield, Illinois.

Send comments to Honorable Richard Austin, Chairman of the County Board, Sangamon County, Sangamon County Planning Commission Office, 703 Meyers Building, Springfield, Illinois 62701.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
Illinois	(V), Winslow, Stephenson County	Pecatonica River	Within corporate limits	*782
		Indian Creek	Within corparate limits	*782

Maps available for inspection at the Post Office, Winslow, Illinois.

Send comments to Honorable Richard Miller, Village President, Village of Winslow, P.O. Box 13, Winslow, Illinois 61089.

Indiana	(T), Andrews, Huntington County	Loon Creek	About 200 feet downstream of Norfolk and Western Railway.	*703
			About 150 feet upstream of McKeever Street	*715
			About 1,000 feet upstream of Main Street	*723

Maps available for inspection at the Town Hall, 66 Main Street, Andrews, Indiana.

Send comments to Honorable Roger Stambaugh, Town Board President, Town of Andrews, Town Hall, Box 386, 66 Main Street, Andrews, Indiana 46702.

Indiana	(Unincorporated), Boone County	Prairie Creek (near Lebanon)	About 2.3 miles downstream of U.S. Route 52	*895
			About 1,600 feet upstream of Deadend Road	*924
			About 1,400 feet downstream of East Washington Street.	*934
			About 1.0 mile upstream of 400 South Road	*950
		Prairie Creek (near Thorntown)	At confluence with Sugar Creek	*814
			About 0.95 mile upstream of State Route 47	*826
		Sugar Creek	About 0.86 mile downstream of Conrail	*806
			About 600 feet upstream of Interstate 65	*840
		Eagle Creek	About 600 feet downstream of 1000 East Road	*814
			Just upstream of Zionsville Road	*833
			About 0.85 mile upstream of State Route 32	*897
		Little Eagle Creek	At Town of Zionsville corporate limits	*836
			At upstream county boundary	*865
		Fishback Creek	About 1.23 miles downstream of Interstate 465	*863
			About 0.70 mile upstream of State Route 334	*897
		New Reynolds Ditch	About 150 feet downstream of Golf Course Drive	*932
			Just downstream of Elm Swamp Road	*940

Maps available for inspection at the Boone County Area Planning Commission Office, First Floor, Boone County Courthouse, Lebanon, Indiana.

Send comments to Honorable Sam Dodd, County Commission Board President, Boone County, Boone County Area Planning Commission, First Floor, Boone County Courthouse, Lebanon, Indiana 46052.

Indiana	(Unincorporated), Dearborn County	Logan Creek	At mouth	*533
			About 0.06 mile upstream of State Route 46 (second crossing).	*566
		Whitewater River	About 0.26 mile downstream of State Street	*511
			Just downstream of Interstate 74	*533
			Just upstream of county boundary	*547
		Ohio River	At confluence with Laughery Creek	*486
			About 0.85 mile upstream of State boundary	*490
		Tanners Creek	At abandoned bridge	*489
			At Conrail	*489
		Wilson Creek	At mouth	*488
			Just upstream of farm bridge (about 3,100 feet upstream of Wilson Creek Road).	*502
			About 1,100 feet upstream of farm bridge (about 4,200 feet upstream of Wilson Creek Road).	*511
		Laughery Creek	At mouth	*486
			About 5.0 miles above mouth	*486

Maps available for inspection at the Planning Office, Dearborn County Courthouse, Lawrenceburg, Indiana.

Send comments to Honorable Joe Meyer, President of the County Board of Commissioners, Dearborn County, Dearborn County Courthouse, Lawrenceburg, Indiana 47025.

Indiana	(T), Decker, Knox County	White River	Within corporate limits	*416

Maps available for inspection at the Knox County Area Planning Commission, Knox County Courthouse, Vincennes, Indiana.

Send comments to Honorable Donald Farrell, Town Board President, Town of Decker, Box 96, Decker, Indiana 47524.

Indiana	(C), Lawrenceburg, Dearborn County	Ohio River	About 0.75 mile downstream of confluence with Tanners Creek.	*488
			About 2.45 miles upstream of confluence with Tanners Creek.	*490
		Tanners Creek	Within the community	*489

Maps available for inspection at the City Hall, 405 Main Street, Lawrenceburg, Indiana.

Send comments to Honorable Henry Nanz, Mayor, City of Lawrenceburg, City Hall, 405 Main Street, Lawrenceburg, Indiana 47025.

Indiana	(T), Marengo, Crawford County	Whiskey Run	About 1,200 feet downstream of Pleasant Street	*582
			About 1,400 feet upstream of Main Street	*588
		Brandywine Fork	At mouth	*582
			Just upstream of Jefferson Street	*587
			About 250 feet upstream of Southern Railway	*591

Maps available for inspection at the Town Hall, Route 1, Lincoln Avenue, Marengo, Indiana.

Send comments to Honorable Mills Hughes, Town Board President, Town of Marengo, Town Hall, Route 1, Lincoln Avenue, Marengo, Indiana 47140.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
Indiana	(T), Warren, Huntington County	Salamonie River	Just upstream of 900 South Road	*806
			About 2,000 feet upstream of 150 East Road	*815

Maps available for inspection at the Town Hall, 2nd and Wayne Streets, Warren, Indiana.

Send comments to Honorable Dallas Heyde, Town Board President, Town of Warren, Town Hall, P.O. Box 477, 2nd and Wayne Streets, Warren, Indiana 46792.

Iowa	(Unincorporated), Black Hawk County	Crane Creek	About 1,000 feet downstream of Nesbit Road	*941
			About 300 feet upstream of Pilot Grove Road	*952
		Elk Run Creek	About 800 feet downstream of South Elk Run Road	*843
			About 100 feet upstream of East Donald Street	*876
		Miller Creek	At mouth	*822
			About 0.50 mile upstream of Miller Creek Road	*829
		Poyner Creek	Just upstream of Gilbertville Road	*836
			Just downstream of Young Road	*845
		Cedar River	At downstream county boundary	*804
			At confluence of Poyner Creek	*628
			About 0.4 mile downstream of confluence of Beaver Creek.	*870
			About 3.0 miles upstream of West Cedar-Wapsi Road	*884
		West Fork Cedar River	At mouth	*879
			At upstream county boundary	*890
		Black Hawk Creek	About 4.3 miles downstream of Hudson Road	*871
			About 1,400 feet downstream of Zaneta Road	*890
			Just downstream of Grundy Road	*900
		Wolf Creek	At mouth	*814
			At La Porte City corporate limits	*815
		Shallow Flooding (Overland flow from Wolf Creek).	Along Illinois Central Gulf Railroad (about 0.5 mile east of City of La Porte City corporate limits.	*815
			At intersection of Bishop Road and City of La Porte City corporate limits.	*820

Maps available for inspection at the County Zoning Administrator's Office, Russell-Lampson Building, Waterloo, Iowa.

Send comments to Honorable Sonia Johannson, Chairperson of the Board of Supervisors, Black Hawk County, Black Hawk County Courthouse, Room 201, Waterloo, Iowa 50703.

Iowa	(C), Malvern, Mills County	Silver Creek	About 1.0 mile downstream of Eleventh Street	*994
			About 500 feet upstream of Eleventh Street	*998

Maps available for inspection at the City Hall, Malvern, Iowa.

Send comments to Honorable Temple Bowers, Mayor, City of Malvern, City Hall, Malvern Iowa 51551.

Iowa	(Unincorporated), Mills County	Missouri River	At downstream county boundary	*952
			Just upstream of Burlington Northern Railroad	*961
			At upstream county boundary	*972
		West Nishnabotna River	About 2,500 feet downstream of Norfolk and Western Railway.	*984
			Just upstream of Burlington Northern Railroad	*996
			Just upstream of County Road H-26	*1,008
			About 5,100 feet downstream of County Road H-12	*1,028
			At upstream county boundary	*1,040
		Keg Creek	Just upstream of County Road H-34	*969
			Just upstream of U.S. Route 275	*990
			About 750 feet upstream of County Road H-20	*1,001
			About 2,000 feet downstream of County Road H-12	*1,016
			At upstream county boundary	*1,024
		Indian Creek	Mouth at West Nishnabotna River	*1,000
			About 8,600 feet upstream of County Road M-16	*1,010
			At County Road M-21	*1,041
			Just upstream of Burlington Northern Railroad	*1,048
			About 200 feet upstream of county boundary	*1,065
		Indian Creek Bypass	At County Road M-21	*1,047
			At divergence with Indian Creek	*1,048
		Silver Creek	About 2.27 miles downstream of County Road L-63	*976
			About 0.30 mile upstream of U.S. Route 34	*1,008
			About 5.02 miles upstream of U.S. Route 34	*1,029
			About 6.57 miles upstream of U.S. Route 34	*1,035
		Pony Creek	Just downstream of U.S. Highway 34	*959
			About 350 feet upstream of Interstate 29	*961
			About 3,000 feet downstream of Burlington Northern Railroad.	*967
			About 700 feet upstream of Burlington Northern Railroad.	*971
			About 2,700 feet upstream of Burlington Northern Railroad.	*977
			About 5,000 feet upstream of Burlington Northern Railroad.	*978

Maps available for inspection at the County Engineer's Office, County Courthouse, Glenwood, Iowa.

Send comments to Honorable Crichton Miller, Chairman of the Board of Supervisors, Mills County, County Courthouse, Glenwood, Iowa 51534.

Iowa	(C), Palo, Linn County	Cedar River	About 180 feet upstream of confluence of Dry Creek	*742
			About 1,100 feet downstream of confluence of Dry Creek.	*742

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
		Dry Creek	About 1,500 feet downstream of First Street	*742
			Just downstream of First Street	*744
			Just upstream of Chicago, Rock Island and Pacific Railroad	*750

Maps available for inspection at the City Hall, Palo, Iowa.

Send comments to Honorable Lawrence Davenbaugh, Mayor, City of Palo, City Hall, Palo, Iowa 52324.

Kansas	(C), Galva, McPherson County	Galva Drain	About 800 feet downstream of McPherson Street	*1,535
			Just upstream of Main Street	*1,541
			Just upstream of Mulberry Street	*1,543
			About 1,250 feet upstream of Fourth Street	*1,545

Maps available for inspection at the City Hall, Galva, Kansas.

Send comments to Honorable Wayne Ford, Mayor, City of Galva, City Hall, Galva, Kansas 67443.

Kansas	(C), Garfield, Pawnee County	Arkansas River Tributary (Garfield Drain).	About 1,700 feet upstream of Atchison, Topeka and Santa Fe Railway.	*2,071
			Just upstream of Pawnee Street	*2,072
			Just downstream of Sherman Street	*2,073

Maps available for inspection at the City Hall, Garfield, Kansas.

Send comments to Honorable Glen Mecksessel, Mayor, City of Garfield, City Hall, Garfield, Kansas 67529.

Kansas	(Unincorporated), Lyon County	Neosho River	About 2.0 miles downstream of confluence with Dry Creek.	*1,073
			Just upstream of State Highway 50	*1,100
			Just upstream of Burlingame Road	*1,111
			Just upstream of County Road 412	*1,136
		Cottonwood River	About 0.32 mile upstream of County Road 413	*1,154
			At mouth	*1,083
			At Kansas Turnpike	*1,123
		Dow Creek	At mouth	*1,116
			Just downstream of Highway 99	*1,128
			Just upstream of Highway 99	*1,130
		Eagle Creek	About 11,500 feet downstream of Highway 99	*1,157
			About 400 feet upstream of Highway 99	*1,174
			Just upstream of County Road (about 2,300 feet upstream of confluence of outlet from Olpe Lake).	*1,190
			About 800 feet upstream of County Road (about 6,550 feet upstream of confluence of outlet from Olpe Lake).	*1,193
		Pester Creek	Just downstream of County Road 412	*1,135
			About 3,800 feet upstream of Sycamore Street	*1,160
		Dry Creek	At mouth	*1,075
			Just downstream of County Road (about 25,300 feet above mouth).	*1,092
			Just upstream of County Road (about 25,300 feet above mouth).	*1,095
		Allen Creek	At Kansas Turnpike	*1,123
			About 25,000 feet upstream of Kansas Turnpike	*1,136

Maps available for inspection at the Lyon County Courthouse, Emporia, Kansas.

Send comments to Honorable Gaile Gashe, Chairman of the Board of County Commissioners, Lyon County, Lyon County Courthouse, Emporia, Kansas 66801.

Michigan	(V), Chesaning, Saginaw County	Shiawassee River	About 1.5 miles downstream of Broad Street	*615
			Just upstream of Broad Street	*620
			About 1.1 miles upstream of Broad Street	*622

Maps available for inspection at the Village Hall, 1100 West Broad Street, Chesaning, Michigan.

Send comments to Honorable Kenneth Bueche, Village President, Village of Chesaning, Village Hall, 1100 West Broad Street, Chesaning, Michigan 48616.

Michigan	(Township), Comstock, Kalamazoo County	Kalamazoo River	Just upstream of Sprinkle Road	*766
			Just downstream of Morrow Lake Dam	*769
			Just upstream of Morrow Lake Dam	*776
			Just upstream of 35th Street bridge	*779
			At upstream corporate limits	*784
		Comstock Creek	Mouth at Kalamazoo River	*768
			About 140 feet downstream of East Michigan Avenue	*773
			Just downstream of dam near Conrail	*779
			Just upstream of dam near Conrail	*792
			About 100 feet downstream of Oran Avenue	*792
			About 40 feet upstream of Oran Avenue	*797
			Just upstream of dam near Oran Avenue	*810
			Just downstream of East Main Street	*824

Maps available for inspection at the Town Hall, 6138 King Highway, Comstock, Michigan.

Send comments to Honorable Joseph Van Bruggen, Supervisor, Township of Comstock, Town Hall, P.O. Box 414, Comstock, Michigan 49041.

Michigan	(C), Grandville, Kent County	Huizenga Drain	Just upstream of Kenowa Avenue	*616
			Just upstream of 44th Street	*628
			About 1,500 feet upstream of Wilson Avenue	*638
		Huizenga Drain Branch No. 3	At confluence with Huizenga Drain	*622
			About 2,650 feet upstream of Wilson Avenue	*625
		Grand River	At county boundary	*605

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
		Buck Creek	At upstream corporate limits	*607
			Just downstream of Canal Avenue	*605
			About 100 feet upstream of Cemetery Road	*619
			At upstream corporate limits	*633

Maps available for inspection at the City Hall, 3195 Wilson Avenue, S.W., Grandville, Michigan.

Send comments to Honorable Marion J. Vos, Mayor, City of Grandville, City Hall, 3195 Wilson Avenue, S.W., Grandville, Michigan 49418.

Minnesota	(C), Beltrami, Polk County	Sandhill River	Western corporate limits	*894
			About 100 feet downstream of Burlington Northern railroad.	*900
			Just upstream of Burlington Northern railroad	*904
			Just upstream of County Highway 1	*905
			Eastern corporate limits	*908

Maps available for inspection at the City Hall, Beltrami, Minnesota.

Send comments to Honorable Ted D. Anderson, Mayor, City of Beltrami, City Hall, Beltrami, Minnesota 56517

Minnesota	(C), Greenbush, Roseau County	South Branch Two Rivers	About 2,750 feet downstream of Main Street (at southern corporate limits).	*1,063
			About 2,000 feet upstream of State Highway 32 (at eastern corporate limits).	*1,066

Maps available for inspection at the City Hall, Greenbush, Minnesota.

Send comments to Honorable Adrian Pulczinski, Mayor, City of Greenbush, City Hall, Greenbush, Minnesota 56726.

Minnesota	(C), Grygla, Marshall County	Mud River	At northwestern corporate limits	*1,174
			About 500 feet upstream of County Highway 54	*1,177

Maps available for inspection at the City Hall, Grygla, Minnesota.

Send comments to Honorable Terry Wells, Mayor, City of Grygla, City Hall, Grygla, Minnesota 56727.

Minnesota	(C), Oslo, Marshall County	Red River of the North	About 2,750 feet downstream of State Highway 1 (at northwestern corporate limits).	*810
			About 850 feet upstream of Soo Line Railroad (at southern corporate limits).	*811

Maps available for inspection at the City Hall, P.O. Box 177, Oslo, Minnesota.

Send comments to Honorable Bud Mondroi, Mayor, City of Oslo, City Hall, P.O. Box 177, Oslo, Minnesota 56744.

Minnesota	(C), Stephen, Marshall County	Tamarac River	About 300 feet upstream of County Highway 5	*824
			At Lofgren Avenue	*830

Maps available for inspection at the City Hall, Stephen, Minnesota.

Send comments to Honorable Lawrence Sunsdahl, Mayor, City of Stephen, City Hall, Stephen, Minnesota 56757.

Missouri	(V), Silex, Lincoln County	North Fork Cuivre River	About 0.3 mile downstream of Church Street	*511
			Just downstream of County Highway E bridge	*513
		Mill Creek	Just downstream of Main Street	*512
			About 900 feet upstream of Main Street	*513

Maps available for inspection at the Mayor's Home, Quiver and Williams Streets, Silex, Missouri.

Send comments to Honorable Larry Dean, Mayor, Village of Silex, P.O. Box 147, Silex, Missouri 63377.

Missouri	(C), Winfield, Lincoln County	Mississippi River	At Winfield	*446
		McLean Creek	About 0.5 mile downstream of Whiteside Street	*446
			About 0.34 mile upstream of State Highway 79	*453

Maps available for inspection at the City Hall, P.O. Box 155, Winfield, Missouri.

Send comments to Honorable J. F. Scroggin, Mayor, City of Winfield, City Hall, P.O. Box 155, Winfield, Missouri 63389.

Nebraska	(C), Nebraska City, Otoe County	Missouri River	About 2.3 miles downstream of State Highway 2	*926
			About 1.13 miles upstream of confluence of Walnut Creek.	*935
		Threemile Creek	About 0.5 mile downstream of north-south County Road (at downstream extraterritorial limits).	*964
			Just downstream of north-south County Road	*975
			Just upstream of north-south County Road	*981
			Just downstream of east-west County Road	*981
			Just upstream of east-west County Road	*989
			Just downstream of U.S. Highway 73-75	*1,019
			Just upstream of U.S. Highway 73-75	*1,029
			About 1,100 feet upstream of U.S. Highway 73-75	*1,029
		East Tributary to Tributary to South Table Creek.	At mouth at Tributary to South Table Creek	*998
			Just downstream of east-west County Road	*1,037
		West Tributary to Tributary to South Table Creek.	At mouth at Tributary to South Table Creek	*1,005
			About 3,900 feet upstream of mouth	*1,032
		South Table Creek	At mouth at Missouri River	*931
			Just upstream of Argo Avenue	*936
			Just upstream of Ninth Street	*953
			Just downstream of Trailer Court Street	*963
			Just upstream of Trailer Court Street	*973
			Just downstream of 19th Street	*973
			Just upstream of 19th Street	*980
			Just upstream of Steinhart Park Road	*985

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
			Just downstream of County Road (west of KNCY towers)	*1,029
			Just upstream of County Road (west of KNCY towers)	*1,040
			Just downstream of County Road (to McCarthy School)	*1,060
			Just upstream of County Road (to McCarthy School)	*1,097
			About 0.74 mile upstream of County Road	*1,109
		Tributary to South Table Creek	Just downstream of Burlington Northern Railroad (downstream of 11th Corso)	*970
			About 3,200 feet upstream of 11th Corso	*985
			Just downstream of north-south County Road	*1,022
			Just upstream of Burlington Northern Railroad (upstream crossing)	*1,029
			About 1.7 miles upstream of Burlington Northern Railroad (upstream crossing)	*1,066
		North Table Creek	At mouth at Missouri River	*931
			Just upstream of 16th Street	*961
			Just downstream of Centennial Avenue	*1,007
			Just upstream of Centennial Avenue	*1,014
			Just downstream of County Road	*1,032
			Just upstream of County Road	*1,041
			Just downstream of County Road (to McCarthy School)	*1,088
			Just upstream of County Road (to McCarthy School)	*1,093
			About 0.45 mile upstream of County Road (at upstream extra-territorial limits)	*1,122
		Walnut Creek	About 1.0 mile upstream of mouth at Missouri River	*935
			Just downstream of north-south County Road	*968
			Just upstream of Missouri Pacific Railroad	*978
			About 1.38 miles upstream of Missouri Pacific Railroad	*1,010

Maps available for inspection at the City Clerk's Office, City Hall, 1409 Central, Nebraska City, Nebraska.

Send comments to Honorable Alfred O. Gigstad, D.V.M., Mayor, City of Nebraska City, City Hall, 1409 Central, Nebraska City, Nebraska 68410.

New Jersey	Greenwich, township, Gloucester County	Delaware River	Entire shoreline within community	*15
		Repaupo Creek	Confluence with Delaware River	*15
			Approximately 20' upstream of confluence with Delaware River	*13
			Upstream State Route 44	*12
		Pargey Creek	Confluence with Repaupo Creek	*12
			Upstream Interstate 295	*10
		White Sluice Run	Confluence with Aunt Debs Ditch	*13
			Approximately 1,700' upstream of confluence with Aunt Debs Ditch	*12
			Upstream Tomlin Station Road	*11
		London Branch	Downstream of Interstate 295	*11
			Upstream of Interstate 295	*10
		Still Run	Downstream of Interstate 295	*11
			Upstream of Interstate 295	*10
		Nehonsey Brook	Downstream State Route 44	*12
			Upstream of State Route 44	*11
			Upstream of Interstate 295	*10
		Clonmell Creek	Confluence with Delaware River	*15
			Approximately 1,500' upstream of Delaware River	*11
			Approximately 20' upstream of Delaware River	*10
			Upstream of Conrail	*10

Maps available for inspection at the Municipal Building, Broad and Walnut Streets, Gibbstown, New Jersey.

Send comments to Honorable Francis McDevitt, Mayor of the Township of Greenwich, Municipal Building, Broad and Walnut Streets, Gibbstown, New Jersey 08027.

New Jersey	Jackson, township, Ocean County	North Branch Metedeconk River	Downstream Corporate Limits	*63
			Bethel Church Road (upstream side)	*70
			Aldrich Road (upstream side)	*81
			Larsen Road (upstream side)	*86
			Upstream Corporate Limits	*93
		Tributary to Toms River	Approximately 50 feet downsteam of Cassville-Toms River Road	*112
			Cassville-Toms River Road (upstream side)	*116
			Approximately 7,785 feet upstream of Cassville-Toms River Road	*125

Maps available for inspection at the Municipal Building, Route 528, Jackson, New Jersey.

Send comments to Honorable James J. McKenna, Mayor of Jackson Township, Municipal Building, Route 528, Jackson, New Jersey 08027.

New York	Great Neck, village, Nassau County	Manhasset Bay	From the Kings Point/Great Neck Corporate Limits to a point 170 feet south of Forest Vita Road	*16
			From a point 170 feet south of Forest Vita Road to the Great Neck/Kensington Corporate Limits	*15
		Little Neck Bay	From the Kings Point/Great Neck Corporate Limits to Old Pond Road	*13

Maps available for inspection at the Municipal Building, 61 Baker Hill Road, Great Neck, New York.

Send comments to Honorable Howard Miskum, Mayor of Great Neck, Municipal Building, 61 Baker Hill Road, Great Neck, New York 11021.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
New York	Marathon, village, Cortland County	Tioughnioga River	Downstream Corporate Limits	*1,012
			Upstream Corporate Limits	*1,023

Maps available for inspection at the Village Office, Four Main Street, Marathon, New York.

Send comments to Honorable David Light, Mayor of Marathon, Village Office, Four Main Street, Marathon, New York 13803.

New York	Middleburgh, village, Schoharie County	Schoharie Creek	Downstream Corporate Limits	*637
			Upstream Corporate Limits	*640
		Schoolhouse Creek	Downstream of Main Street	*648
			Approximately 1,000' upstream of Main Street	*670
			Approximately 1,900' upstream of Main Street	*695
			Approximately 2,750' upstream of Main Street	*725
		Stoney Creek	Confluence with Schoharie Creek	*640
			Upstream of Clauverwie Avenue	*650
			Upstream of State Route 145	*722
			Corporate Limits	*750
		Unnamed Creek (Tributary to Schoharie Creek).	Corporate Limits	*627
			Approximately 2,800' upstream of Corporate Limits	*636

Maps available for inspection at the Municipal Building, Middleburgh, New York.

Send comments to Honorable Lawrence Van Dyke, Mayor of the Village of Middleburgh, Municipal Building, Middleburgh, New York 12122.

New York	Moravia, village, Cayuga County	Dry Creek	Confluence with Owasco Inlet	*734
			Upstream of Main Street	*751
			Upstream Corporate Limits	*766
		Mill Creek	Confluence with Owasco Inlet	*730
			Approximately 720' upstream of East Cayuga Street	*756
		Owasco Inlet	Downstream Corporate Limits extended	*725
			Upstream Corporate Limits extended	*738

Maps available for inspection at the Office of the Village Clerk, 22 Central Street, Moravia, New York.

Send comments to Honorable Clifton Fuller, Mayor of Moravia, 22 Central Street, Moravia, New York 13118.

North Carolina	Unincorporated areas of Madison County	French Broad River	At Tennessee—North Carolina State Line	*1,258
			Just upstream of Barnard Bridge (SR 1151)	*1,525
			Just upstream of Redmon Bridge (SR 1135)	*1,599
			Just upstream of Southern Railway	*1,679
		Spring Creek	Just downstream of State Highway 209 (at the Town of Hot Springs Corporate Limits).	*1,425
			Just upstream of SR 1169	*2,102
			Just upstream of SR 1151	*2,138
			Just downstream of State Highway 209 (Near Spring Creek School).	*2,260
			Just downstream of SR 1164	*2,350

Maps available for inspection at Madison County Courthouse, Marshall, North Carolina 28753.

Send comments to Mr. James T. Leadford, Chairman or Mr. James W. Cody, County Clerk, Madison County Courthouse, Marshall, North Carolina 28753.

Oregon	Washington County (unincorporated areas)	Tualatin River	100 feet upstream from center of Schamberg Bridge	*130
			100 feet upstream from center of Minter Bridge Road	*146
			150 feet upstream from center of Tualatin Valley Highway (Old Highway 47) at Gaston.	*179
		Fanno Creek	Intersection of Southwest Nicol Road and Southwest Vermont Street.	*215
		Summer Creek	100 feet upstream from center of Southwest 135th Street.	*176
		Ash Creek	100 feet upstream from center of State Highway 217	*161
		Rock Creek	Intersection of Tualatin-Sherwood Road and Tonquin Road.	*135
		Cedar Creek	50 feet upstream from center of Edy Road	*146
		Butternut Creek	100 feet upstream from center of Southwest 209th Avenue.	*166
		Rock Creek (Near Hillsboro)	50 feet upstream from center of Northwest Rock Creek Boulevard.	*166
		Dawson Creek	50 feet downstream from center of Northwest Brookwood Avenue.	*147
		Beaverton Creek	Intersection of Southwest Terman Road and Southwest 141st Street.	*177
		Bronson Creek	100 feet upstream from center of West Union Road	*214
		Willow Creek	Intersection of Northwest 158th Avenue and Cornell Road.	*208
		Cedar Mill Creek	Intersection of Southwest Evergreen Street and Southwest 134th Avenue.	*203
		Johnson Creek	100 feet upstream from center of State Highway 208	*175
		Dairy Creek	300 feet upstream from center of Tualatin Valley Highway.	*150
		West Fork Dairy Creek	50 feet upstream from center of Wilson River Highway	*190
		McKay Creek	300 feet upstream from center of U.S.Highway 26	*167
		Council Creek	50 feet upstream from center of Martin Road	*161
		Gales Creek	Intersection of Tualatin Valley Highway and Stringtown Road.	*168

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
		Tualatin River Side Channel	Intersection of Buchanan Road and La Follett Road	*156
		Nyberg Slough	300 feet upstream from center of Interstate Highway 5	*123

Maps available for inspection at Public Works Office, 150 N. 1st Avenue, Hillsboro, Oregon 97123.

Send comments to the Honorable Virginia Dagg, 150 N. 1st Avenue, Hillsboro, Oregon 97123.

Pennsylvania	South Coventry, township, Chester County	French Creek	Upstream of Pottstown Pike (State Route 100)	*260
			Approximately 2,140' upstream of Pottstown Pike (State Route 100).	*260

Maps available for inspection at the residence of the Township Secretary, Mr. Robert W. Fries, R.D. 2, Pottstown, Pennsylvania, at the Springers Store in Pughtown, Pennsylvania, and at the Bucktown Branch of the Elverson National Bank.

Send comments to the Honorable Richard Whitlock, Chairman of the South Coventry Board of Supervisors, R.D. 2, Pottstown, Pennsylvania 19464.

South Carolina	Unincorporated areas of Florence County	Jeffries Creek	At State Highway 327	*56
			Approximately 500 feet upstream from confluence of Cane Branch.	*64
			Approximately 100 feet upstream of Seaboard Coast Line Railroad.	*71
			Approximately 500 feet downstream of Second Loop Road.	*97
			Just downstream of north bound lane of Interstate Highway 95.	*108
			Just upstream of Colonial Heights Dam	*119
		Middle Branch	At National Cemetery Road	*56
			Just upstream of State Highway 724	*73
			Just downstream of Seaboard Coast Line Railroad	*79
			Just upstream of Seaboard Coast Line Railroad	*90
		Polk Swamp Canal	Just upstream of National Cemetery Road	*61
			Approximately 100 feet downstream of State Road 918.	*73
		Polk Swamp	Just upstream of Byrnes Boulevard	*78
			Just downstream of Old Marion Highway	*80
		Adams Branch	Approximately 300 feet downstream of State Highway 327.	*86
			Just upstream of State Highway 327	*98
			Approximately 100 feet downstream of confluence of Unnamed Tributary.	*103
		Unnamed Tributary To Adams Branch.	Just downstream of Williamson Road (State Road 925).	*117
		Two Mile Creek	Just downstream of Williamson Road (State Road 925).	*106
		Black Creek	Approximately 500 feet upstream of State Highway 327.	*69
			Approximately 200 feet downstream of North Irby Street.	*77
		McCall Branch	Approximately 100 feet downstream of Douglas Street	*98
			Just upstream of Seaboard Coast Line Railroad	*113
		Tributary 1 to McCall Branch	Just upstream of Douglas Street	*99
		Tributary 2 to McCall Branch	Just upstream of confluence of Tributary 3	*101
			Just downstream of State Highway 343, North Irby Street.	*117
		Tributary 3 to McCall Branch	Just downstream of State Highway 343, North Irby Street.	*118
		High Hill Creek	Approximately 100 feet upstream of South Bound Lane of Interstate Highway 95.	*80
			Approximately 700 feet downstream of Pisgah Road	*89
		Cane Branch	Just downstream of Claussen Road	*86
		Eastman Branch	Approximately 300 feet downstream of Seaboard Coast Line Railroad.	*93
		Pye Branch	Approximately 150 feet downstream of National Cemetery Road.	*94
			Just downstream of Jefford Street	*104
			Approximately 100 feet upstream of Old Mars Bluff Road.	*113
		Beaverdam Creek	Approximately 400 feet downstream of Hoffmeyer Road.	*107
			Approximately 500 feet downstream of State Highway 193.	*118
		Beaverdam Tributary	Just upstream of South Bound Lane of Interstate Highway 95.	*111
		Middle Swamp	Approximately 200 feet upstream of Pamplico Highway.	*79
			Approximately 100 feet upstream of Seaboard Coast Line Railroad.	*87
			Just downstream of confluence of Alligator Branch	*92
			Approximately 700 feet downstream of Forest Lake Dam.	*103
			Just upstream of Forest Lake Dam	*114
			Just upstream of Seaboard Coast Line Railroad	*118
			Just upstream of State Highway 888	*126
		Unnamed Tributary to Middle Swamp.	Just downstream of Peniel Road	*116
		Allegator Branch	Just downstream of Whippoorwill Road	*99
			Approximately 250 feet downstream of State Highway 136.	*123

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW)
		Alligator Branch Tributary 1	Just downstream of confluence of Tributary 2	*112
			Approximately 300 feet downstream of State Highway 136.	*117
		Alligator Branch Tributary 2	Just downstream of State Highway 136	*122
		Lake Swamp	Just downstream of Southbound Lane of Interstate Highway 95.	*119
			Just downstream of U.S. Highway 76	*126
			Approximately 700 feet upstream of State Highway 145.	*131
		Sparrow Swamp	Approximately 700 feet downstream of Interstate Highway 95.	*111
			State Road 477 extended	*115
			Just upstream of U.S. Highway 76	*125
			Just upstream of Seaboard Coast Line Railroad	*130
		Lynches Lake	Just upstream of State Highway 730	*53
			Just upstream of Church Street	*63
			Approximately 100 feet upstream of U.S. Highway 52	*65

Maps available for inspection at Florence County Courthouse, City-County Complex, Florence, South Carolina 29501.

Send comments to Mr. M. L. Love, Jr. P.E., County Administrator or Mr. James H. Schafer, Assistant Administrator, Florence County Courthouse, Box G, City-County Complex, Florence, South Carolina 29501.

Virginia	Wachapreague, town, Accomack County	Atlantic Ocean	From southern corporate limits to Finney Creek	*13
			From Finney Creek to Richardson Avenue extended to corporate limits.	*12
			From Richardson Avenue extended to corporate limits to northern corporate limits.	*11

Maps available for inspection at the Town Hall, Main Street, Wachapreague, Virginia.

Send comments to Honorable Claude D. Webb, Mayor of Wachapreague, P.O. Box 103, Wachapreague, Virginia 23480.

Wisconsin	(V), Johnson Creek, Jefferson County	Johnson Creek	About 0.64 mile downstream of Union Street	*792
			About 0.64 mile upstream of the Chicago and North Western Railroad.	*792

Maps available for inspection at the Office of the Village Clerk, Village Hall, 110 Milwaukee Steet, Johnson Creek, Wisconsin.

Send comments to Honorable James A. Best, Village President, Village of Johnson Creek, Village Hall, 110 Milwaukee Street, Johnson Creek, Wisconsin 53038.

(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; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: December 17, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37165 Filed 12-30-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket No. 80-286; FCC 81-566]

Establishment of a Joint Board; Customer Premises Equipment (CPE); Recommended Decision and Order

AGENCY: Federal Communications Commission—Federal-State Joint Board.

ACTION: Recommended decision and order.

SUMMARY: The Federal-State Joint Board is recommending that the Commission phase customer premises equipment (CPE) out of the jurisdictional separations process over a five-year period beginning in 1983. The Joint Board concluded that this would allow a smooth and gradual transition to the deregulated environment for the provision of CPE mandated by the Commission in CC Docket No. 20828, the Second Computer Inquiry.

DATES: The Joint Board's recommendations do not become effective until they have been reviewed and acted on by the Commission.

ADDRESS: Federal Communications Commission, 1919 M St. NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James McConnaughey, Policy and Program Planning Division, Common Carrier Bureau at (202) 632-9342.

In the matter of amendment of Part 67 of the Commission's rules, CC Docket No. 80-286.

Recommended Decision and Order

Adopted: November 18, 1981.
Released: December 14, 1981.

By the Federal-State Joint Board: Commissioner Fogarty dissenting and issuing a statement; State Commissioner Larkin dissenting.

I. Introduction

1. This Joint Board was established pursuant to Section 410(c) of the Communications Act, 47 U.S.C. 410(c) to develop, *inter alia*, modifications to the 1971 FCC–NARUC Separations Manual reflective of the Federal Communications Commission's policies regarding detariffing of customer premises equipment (CPE). Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board, CC Docket No. 80–286, 78 FCC 2d 837 (1980). In its recent Order Inviting Comments and Suggested Information Requests, FCC 81–264 (released June 12, 1980), the Joint Board sought recommendations on the specific modifications to be made and the procedural framework within which the Joint Board should adopt them. In that Order, the Joint Board

acknowledged the potential severity of the impact on intrastate revenue requirements, under either flash cut or bifurcated detariffing of CPE, that would occur if existing terminal equipment is removed from the separations process suddenly or in a disorderly and inconsistent manner. Further, the Joint board recognized the relative urgency of resolving CPE separations issues, because of the approximately 18 percent annual growth rate in assignment of non-traffic sensitive costs to interstate and the increasing interest among some independent companies and state regulatory agencies in detariffing terminal equipment on an accelerated schedule. To provide assistance in meeting these concerns, the Joint Board requested comments on the advisability of adopting a phased approach to this proceeding, and on a specific proposal prepared by the Joint Board Staff for the gradual elimination over a five-year period of the dollar amount of the investment and expenses subject to separations allocations.

2. Since the release of that Order, the Commission has issued a decision on further reconsideration of its detariffing plan in the Second Computer Inquiry, CC Docket No. 20828, FCC 81–481, (released October 30, 1981). In that Order, the Commission reaffirmed its bifurcation plan for detariffing CPE and established January 1, 1983, as the implementation date. All "new" CPE, defined as CPE acquired by a carrier or manufactured by an affiliated carrier after January 1, 1983, will be offered on a detariffed basis separate and apart from the carrier's utility service. All "embedded" CPE, including that equipment or inventory which is under state or federal tariff or otherwise subject to the jurisdictional separations process as of the bifurcation date, will remain in the rate base until issues related to asset valuation and the manner of timing of detariffing embedded CPE have been decided.

3. The choice between flash cut or bifurcated detariffing of CPE has been a major variable influencing our decision regarding the separations treatment of terminal equipment. The legal and economic considerations underlying the adoption of a particular separations plan for CPE vary greatly between the two detariffing approaches. Since a bifurcated plan will now be implemented, we believe we can appropriately move forward with recommended changes to the Separations Manual reflecting this plan without further delay. Our goal, which is consistent with that of the Commission, is to devise a plan that removes disincentives to detariffing and minimizes the inequities of uneven removal of CPE from various carriers' rate bases. We believe this goal can be accomplished by adopting a modified version of the Staff proposal which was set forth in Appendix B to our June 12, 1981 order. The modified plan is attached as Appendix A to this Decision.

II. Summary of the CPE Separations Plan

4. Under the original Staff proposal, no investment or expenses associated with CPE incurred after December 31, 1981 would be allocated to interstate operations. The net CPE plant balances in the relevant accounts on the books as of that date would constitute a "base amount" to which jurisdictional cost separations procedures would continue to be applied over a period of five years. The base amount would be reduced by one-sixtieth each month, eventually to be phased out entirely. A slightly altered version of this proposal constitutes the plan recommended herein.

5. The plan may be effected through slight additions and modifications to the current separations manual. The precise wording of these modifications is presented as Appendix A to this order. The portion of costs in various accounts subject to these changes is identified through the application of a definition of CPE that is to be added to the Glossary. This definition, which is intended to be consistent with the Commission's recent decision in the Second Computer Inquiry, FCC 81–481 (released October 30, 1981), excluded multiplexing equipment, coin operated or pay stations and related equipment, and equipment on telephone company premises used in the normal course of business. Therefore, for the present, these excluded types of equipment, and the expenses attributable to them will receive the same treatment under separations as they do now. In the future, the Joint Board may change separations procedures applicable to these items, but the modifications recommended in this Decision are intended to affect only embedded customer premises equipment as identified in the Second Computer Inquiry.

6. The plan requires addition of a few new paragraphs and augmentation of existing paragraphs in the Manual to exclude from interstate allocation all investments and associated reserves and expenses incurred in connection with customer premises equipment after the implementation date. This date has been revised from December 31, 1981 to December 31, 1982 to reflect the postponement adopted by the Commission on further reconsideration. The accounts affected, in addition to Accounts 231 (station apparatus) and 234 (large PBXs), are those associated with materials and supplies (Account 122), maintenance expense (Account 605), depreciation expense (Account 608), the wage portion of maintenance expense (Accounts 661, 662, 663, 664, 665, 668, 669, and 677), and the depreciation reserve (Account 171). The amounts in these accounts related to CPE will constitute the base amount to be phased out for separations purposes.[1]

7. The net CPE plant balances constituting the investment base amount are to be determined in accordance with Section 51.21 of the Manual. This section provides for the allocation of a portion of the aggregate depreciation reserve to Accounts 231 and 234 on the basis of the straight line reserves "theoretically applicable" to these accounts as of December 31, 1982. The base amount for net CPE plant balances so calculated will then be assigned to existing separations categories set forth in § 25.2 Under present procedures, CPE assigned to four of these categories, Teletypewriter Exchange Service, Private Line Services, Station Identification Equipment, and Wideband Message Service, would continue to be apportioned to interstate operations on bases other than the subscriber plant factor (SPF). CPE assigned to the fifth category, Other Station Equipment, would continue to be apportioned on the basis of SPF. The Joint Board has not yet determined the proper apportionment factors that eventually will be applied to these categories. This issue will be addressed in the next phase of this Joint Board proceeding. If the Joint Board recommends replacement of SPF with a new factor applicable to non-traffic sensitive plant, this new factor would be applied to the declining balance of the CPE base amount.

8. The apportionment to interstate of the expense base amount will follow established separations procedures which generally provide that apportionment of expenses follow the separation of related investment. The apportionment of other costs which may be based in part on the separation of station equipment, e.g., that of vehicles and other work equipment in Account 264, will be indirectly affected by the phase out of separations treatment of

[1] Under the original plan, both investment and expense base amounts would be determined as of a date certain. Under the revised plan adopted here, expense base amounts are to be calculated as the averge for the year prior to the implementation date.

CPE. However, no additional modifications to the wording of the Separations Manual are required at this time to institute these indirect effects.

III. Comments of the Parties and Discussion

A. Phased Approach to Separations Issues

9. In the June 12, 1981 Joint Board order, parties were asked to comment on the desirability of devising a plan for the removal of CPE from separations in advance of the resolution of the numerous other separations changes that may need to be considered. Virtually all of the parties recognize the importance of addressing CPE separations issues on a priority basis. However, there is disagreement as to whether CPE related changes should be initiated separately, or in coordination with other changes, or whether treatment of CPE issues should be delayed entirely until the Commission has made a final decision in certain other related proceedings.

10. Several parties specify particular matters which they feel must be addressed, along with the removal of CPE from separations, in an initial phase of this proceeding. Many of the larger telephone companies focused on the need to reduce assignments to interstate operations. AT&T argues that the Joint Board should develop a multifaceted plan to deal with exchange access allocations which would incorporate, at a minimum, the removal of CPE, reduction of the allocation of remaining non-traffic sensitive plant through the gradual transition from the subscriber plant factor (SPF) to unweighted relative use (SLU), the replacement of five business days with seven calendar day usage studies, changes to accommodate the access charge plan proposed by the Commission in CC Docket No. 78–72, 77 FCC 2d 224 (1980), and the assignment of private line, FX and CCSA minutes of use to the interstate jurisdiction. Rochester Telephone adds to this minimum agenda the removal from separations of inside wire. United Telephone Systems shares the interest in combining removal of CPE with the "deloading" of toll through a transition from SPF to SLU, but also maintains that the Joint Board should coordinate detariffing of CPE with capital recovery for the equipment. Aeronautical Radio, Inc. (ARINC) generally supports the development of a single five year plan encompassing most of the needed revisions.

11. Many of the other telephone companies, while advocating the simultaneous resolution of several issues, have as their primary interest the mitigation of revenue requirement impacts that may accompany detariffing of CPE and its removal from separations. Most of them do not specifically argue against a phased approach to allow for an initial resolution of CPE issues. Rather, they stress that related separations changes should be coordinated so that upward rate pressure at the local level will be minimized. The United States Independent Telephone Association (USITA) approves of the Joint Board Staff proposal.[2] However, USITA recommends the synchronization of removal of CPE from separations with the capital recovery time frame and the inclusion of other separations issues such as changes in SPF and treatment of station connections within a "comprehensive package." The Rural Telephone Coalition, Central Telephone and Utilities Corporation (Centel), Anchorage Telephone Utility (ATU) and the Kansas Corporation Commission argue generally that all variables should be considered simultaneously so that broader public interest issues such as the impact on price and availability of telephone service may be addressed. They also desire that revenue offset effects be incorporated in the plan. The Rural Electrification Administration (REA) further proposes that the Joint Board develop a comprehensive agenda for coordinating a CPE separations plan with the related major Commission proceedings concerning detariffing of CPE, access charges, station connections, and the Uniform System of Accounts. The National Telecommunications and Information Administration would also have the Joint Board coordinate a CPE separations plan with changes in Commission depreciation policies. In a somewhat similar vein, the GTE Telephone Companies argue that no changes to the Separations Manual are necessary, and that all embedded CPE should be included in the separations process until it is fully depreciated. However, GTE believes that, if separations modifications are adopted, interrelated and revenue offsetting changes should be considered. Finally, Citizens Utilities Company urges the Joint Board to coordinate the removal of CPE from both the rate base and separations, and to assure the application of SPF to CPE investment during the entire phase-out period.

12. Other parties perceive advantages to the resolution of different separations issues in sequence. The Ad Hoc Telecommunications Users Committee believes that, in pactice, the time constraints imposed by the Commission's CPE detariffing schedule require that the resolution of CPE separations issues take precedence over the development of any theoretically more appealing "comprehensive" solution to all separations problems. They argue that it is proper for the Joint Board to address separations changes *seriatim* so that the final question of subsidies may be addressed after other adjustments are determined. The New York State Department of Public Service, the Pennsylvania Public Utilities Commission, the Colorado Public Utilities Commission and International Business Machines Corporation (IBM) concur in the view that the simultaneous treatment of all issues would be impractical. They believe that the removal of CPE from separations is a discrete problem, and may best be examined apart from the time delays and encumbering complexity associated with the resolution of remaining separations issues. MCI Telecommunications Corporation (MCI) and Southern Pacific Communications Company (SPCC) support the prioritization of separations issues. Satellite Business Systems (SBS) also favors the treatment of CPE matters in an initial phase, and regards certain separations issues, such as access charge related changes as not ripe for decision-making. However, SBS suggests that intrastate ratepayers may actually benefit from the elimination of interstate allocations of CPE if the equipment is not currently priced to cover full costs, and proposes that an investigation to determine the actual costs and revenues of CPE be conducted before any revenue requirement offset mechanisms are adopted.

13. We believe that it is both necessary and proper to adopt CPE separations revisions in a separate and initial phase of this proceeding. Many of the parties seem to have misconstrued the significance of this approach. The division of this proceeding into separate segments is a matter of decision-making and administrative efficiency for the Joint Board itself. It is not necessarily determinative of the time frame within which any of the other potential separations changes before the Joint Board ultimately will be implemented. It is essential to adopt a CPE separations plan now to remove obstacles that may prevent adherence to the Commission's detariffing schedule. Adoption of a CPE plan which is interim in nature and narrow in scope will neither delay nor prejudice the resolution of other

[2] This language reflects the position taken by USITA in its pleadings. After the end of the comment period, USITA and AT&T jointly filed a letter in which they proposed an alternative plan to apply SPF to a declining proportion of actual net book balances of CPE.

separations issues. Many of the parties that disapprove of a phased approach voice a fear of lack of coordination among the various separations issues and disregard for the revenue requirement impacts that major changes will impose. However, the mere fact that a plan for removal of CPE from separations procedures is subject to the Joint Board's decision-making process on a priority basis in no way precludes the coordinated implementation of that plan with other separations changes. We fully intend to address all necessary modifications to the Separations Manual as expeditiously as possible. The choice of a CPE separations plan provides a foundation upon which these other modifications can be built in a sequence that achieves the most equitable result for all parties concerned. The institutionalization of changes that have the effect of providing revenue requirements offsets, such as the proper jurisdictional treatment of FX and CCSA minutes of use, or that render separations results more compatible with interexchange competition, such as adopting an alternative to SPF, will not be postponed for the entire five years during which CPE is being removed from separations. Rather, it is expected that implementation time frames will be designed with significant overlaps. Thus, the coordination that is so necessary for the minimization of upward rate pressure as well as the implementation of all of the Commission's competitive policies will not be sacrificed.

14. The changes under review by the Joint Board are numerous and complex. Many of them, particularly those involving the proper allocation factor for non-traffic sensitive plant and the treatment of exchange access lines, will require diligent study so that reasoned and responsible choices may be made. In some cases, Commission policies have not yet been set. In others, voluminous amounts of data must be collected and analyzed so that controversies may be intelligently resolved. It is clearly premature at this stage to adopt a comprehensive plan that would lock the industry into separations procedures that may turn out to be ill-considered and unresponsive to the actual requirements of the marketplace.

15. It is just as clearly unnecessary for the Joint Board to avoid making decisions that can and must be made on an expeditious basis to facilitate the timely implementation of Commission policies that have been actually formulated. There is a great urgency to develop a separations plan for embedded CPE so that detariffing of terminal equipment will not be accompanied by unnecessary market dislocations and interferences. In addition, CPE separations issues are straightforward and lend themselves to relatively uncomplicated solutions. The only real issues are the amount of CPE to be removed and the period of time over which this should take place. Both of these issues can be adequately addressed on an expedited basis with modest alterations in the wording of the Separations Manual. We believe that CPE separations issues are now ripe for resolution, and that the adoption of a plan at this time will free the Joint Board for diligent analysis and proper coordination of the other more sensitive and complex issues.

B. Choice of a Plan

1. *AT&T Proposal*

16. On June 2, 1981, AT&T submitted a proposal to the Joint Board incorporating thirty-three changes to the Separations Manual that, among other things, would result in the initial removal of all CPE from the separations process and the transition from SPF to SLU over a five-year period. Under the plan, exchange access allocations for each company would be changed to reflect the uniform treatment of all access lines, measurement of FX/CCSA interstate minutes of use, a redefinition of exchange outside plant, seven calendar day traffic studies in place of the current five business day studies, identification of revenue accounting and business relations expenses associated with CCCs, and the specific treatment of host/remote complexes as local dial switching equipment—Category 6.[3] To compensate for the removal of CPE, and to provide a means for a gentle shift from the allocations presently calculated on the basis of SPF to the level that will result from the use of a revised SLU, AT&T proposes the use of an "interim additive factor." Thus, the multiplicative subscriber plant factor would be replaced by an additive amount calculated to provide, initially, the same allocations as achieved under SPF as of the implementation date. The additive factor would be reduced by one-sixtieth each month until entirely eliminated at the end of five years. At that time, allocations of all remaining non-traffic sensitive plant would be made on the basis of the revised SLU.

17. Although the Commission has now reaffirmed its decision to detariff CPE under a bifurcated plan, AT&T claim that its proposal is as equally adaptable to bifurcated detariffing as to flash-out detariffing. AT&T also defends the plan against criticisms from GTE that it would constitute an unacceptable allocation of surrogate costs to the interstate jurisdiction. AT&T maintains that the interim additive factor would be entirely proper since it would be applied to actual non-traiffic sensitive costs remaining after all CPE is removed from separations, and would represent a reasonable mechanism for avoiding severe dislocations in the transition to radically altered allocation procedures. In addition, AT&T responds to the objections of SBS, Alascom and SPCC that interexchange facilities allocations should not be addressed by the Joint Board at this time. AT&T agrees that the interchange modifications in its original proposal may be instituted in a second phase on this proceeding. AT&T asserts that one of the major benefits of its approach is that some of the modifications, such as the proper jurisdictional treatment of FX and CCSA minutes of use and the switch to seven day studies, will have offsetting effects and will ameliorate the disruptive impact of introducing several changes separately. Also, AT&T argues that its plan offers the best opportunity to coordinate all of the changes that should be addressed by the Joint Board as a first priority, particularly the long postponed reduction of SPF.

18. ARINC, Central and Rochester Telephone Company also favor a plan that would combine the removal of CPE with the reduction of SPF. United supports the concept of capping SPF but believes that the AT&T proposal would reduce allocations too far too fast. The Rural Telephone Coalition observed that the AT&T plan would have a greater impact than the Staff proposal due to the eventual elimination of SPF. Letters from thirty-one small telephone companies in several states indicate that the removal of CPE combined with the allocation of remaining non-traffic sensitive plant on current SLU would have a dramatic effect on local rates.[4]

[3] Other Manual changes that have been under consideration by the National Association of Regulatory Utility Commissioners (NARUC) for the past several years, including updating the .85 factor and the CSR ratios used in the Ozark (SPF) formula, are rendered moot under the AT&T proposal by the substitution of an interim additive factor for the SPF formula. Several other changes are also proposed, generally pertaining to interexchange network allocations.

[4] Letters were filed by the following parties: Arkansas—E. Ritter Telephone Company, Southwest Arkansas Telephone Cooperative, Inc.; Florida—Indiantown Telephone System Inc.; Georgia—Brantley Telephone Company, Inc., Coastal Utilities Inc., Citizens Telephone Company, Inc., Public Service Telephone Company; Kansas—Zenda Telephone Company, Inc.,; Michigan—Concord Telephone Company, Inc.; New

Continued

The studies reported in these letters, as is true of most of the impact studies filed by the parties, do not reflect projected growth in subscriber line usage over the five year transition period or the offsetting impact of other changes proposed by AT&T that will tend to increase allocations to interstate services.[5] However, the small companies that filed letters assert that these offsetting changes will probably not be sufficient to forestall drastic rate increases. Five small companies (Haviland Telephone Company et al.), argue that their subscribers would not be able to afford the AT&T plan, especially since outside experts would hve to be hired to perform the cost studies for the rate cases that will be necessary to obtain additional revenues. The Ad Hoc Telecommunications Users Committee argues that the AT&T proposal is attractive only as a "package deal," and that other changes in Commission policy, such as deregulation of inside wire, may not preserve the net effect of the plan and would lead to rate "churning."

19. The specialized carriers dislike the AT&T proposal for a variety of reasons. SBS, MCI, and SPCC argue that under AT&T's proposal, the effects of each aspect of the plan would be obscured through simultaneous implementation of several changes. They also contend that access charge issues are not yet ripe for decision making and should not be incorporated in a separations plan regarding treatment of CPE. MCI charges that, through its plan, AT&T is attempting to impose the cost consequences of various separations changes on its competitors, and that the Joint Board should focus on the identification of the particular cost elements of local plant associated with interexchange as opposed to exchange service. MCI believes that only exchange related costs should be shared by the SCCs. SPCC believes that the Joint Board should postpone any changes in separations until the completion of studies to identify the value of CPE to be transferred to AT&T's fully separated subsidiary, as mandated in the Second Computer Inquiry.

20. We do not think that implementation of either the Staff or AT&T. plan depends on valuation studies of embedded CPE. Any plan to remove CPE from the separations process would be properly designed if it were based on the same basic rules that presently guide the allocations of station equipment to interstate operations. Under current procedures, actual net account balances are not calculated. Rather, for separations purposes, net plant balances are determined through application of the theoretical depreciation reserve. Thus, the separations modifications needed to reflect detariffing policies do not require the same valuation studies as will be necessary to remove embedded CPE from the rate base. Therefore we do not agree with the specialized carriers that separation changes should not be adopted until valuation studies, to be performed in the context of the Commission's implementation proceeding, are completed.

21. However, we do agree that it would be inappropriate to adopt some of the elements of the AT&T. plan at this time. The Commission has not yet defined its policy with regard to access charges. In order to achieve consistency with the categories of services and the relative treatment of those categories that will be approved by the Commission, changes with respect to the separations treatment of exchange access lines await a final decision on access charges in Docket No. 78–72. In addition, although it is agreed by most parties that some reform must be instituted to curb the continuing increase of interstate allocations due to the SPF formula, it would be premature to approve a plan that is dependent on the eventual reduction to a version of SLU. First, the removal of CPE from separations does not depend on the elimination of SPF. We believe it is important for this Joint Board to address both matters as swiftly as responsible action will permit, but the resolution of one does not necessarily require simultaneous resolution of the other. In fact, removal of CPE from separations itself will somewhat ameliorate the problem now caused by SPF. Since CPE represents such a large portion of the non-traffic sensitive costs subject to SPF, the removal of customer premises equipment from the allocation process will greatly reduce the undesirable effect that SPF has on interstate allocations. Second, there are many alternatives to SPF and SLU that may be considered as appropriate measures of the proper interstate share of non-traffic sensitive costs. These alternatives have not yet been fully investigated. In the next phase of this proceeding, the Joint Board will analyze the issues raised and proposals made by the parties in response to questions asked in Appendix A of the June 12, 1981 Order. Among other things, these questions pertain to options for the treatment of remaining non-traffic sensitive costs and the propriety of including some provisions for non-cost factors in the allocation of exchange costs. Until these issues are diligently and thoroughly analyzed, it cannot be assumed that SLU is the most appropriate allocative factor. This is a major infirmity of the AT&T plan. Its adoption would require a premature decision regarding one of the most crucial aspects of the separations process.

22. In addition, the combination within a single five-year transition plan of all the changes proposed by AT&T may not best serve the public interest. As we have noted, implementation periods for many of these changes may in fact overlap. However, it is unclear at this stage, what the most equitable schedule would be. The revenue offsetting items incorporated in AT&T's plan may not provide sufficient relief for the drastic increases in intrastate revenue requirements that the plan would impose by the end of the five year transition period. Five years may be sufficient for the implementation of some changes, but insufficient for others, especially if all of them are instituted within the same time frame. The Joint Board must retain the flexibility to design separate implementation schedules for different changes in order to regulate the

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Hampshire—Granite State Telephone; Oklahoma—Cross Telephone Company, Panhandle Telephone Cooperative, Inc., Valliant Telephone Company; Pennsylvania—Lackawaxen Telephone Company, Venus Telephone Corporation; South Caroina—Bluffton Telephone & Applicance Co. Inc., Rock Hill Telephone Company; South Dakota—West River Cooperative Telephone Company; Tennessee—Millington Telephone Company, Inc.; Texas—Big Bend Telephone Company, Comanche County Telephone Co., Inc., Etex Telephone Cooperative, Inc., Peoples Telephone Cooperative, Inc., Sante Rosa Telephone Cooperative, Inc., Wes-Tex Telephone Cooperative, Inc., XIT Rural Telephone Cooperative, Inc.; Virginia—Clifton Forge-Waynesboro Telephone Company, Virginia State Corporation Commission, Division of Communications; Wisconsin—Lemonweir Valley Telephone Company, North-West Telephone Company, Platteville Telephone Company, Urban Telephone Cooperative, Wood County Telephone Company.

[5] AT&T submitted impact studies showing the projected revenue requirement effects of both the Staff proposal and its own plan on Bell System Companies and Independents in each state. The AT&T studies incorporate the following assumptions: Historical growth in investment, 10& annual growth in ENFIA usage, projected revenue requirements based on a 12.75% rate of return, and for the Bell proposal, a 5 percent annual growth in FX and CCSA access lines, and estimated conversation minutes per month for FX (2433), CCSA (4258), and private line (3000). The estimates do not reflect effects of future rate changes, accererated capital recovery programs, or expensing of stations connections. The studies show that, under the Bell exchange access proposal, by 1986 the interstate revenue requirement will be reduced by approximately $10 billion for Bell Companies and $3.7 billion for Independents. Under the Staff Proposal, by 1986 interstate revenue requirements will be reduced by approximately $2.8 billion for Bell Companies and $1.1 billion for Independents.

magnitude of adverse impact that may be experienced at any one time. For all of the foregoing reasons, we find that the AT&T plan cannot be adopted at this time.

2. *Alternative Proposals*

23. Some parties disapprove of both the Staff and AT&T plans, and have made counter proposals. In general, these parties are concerned that the Joint Board make adequate provision for full capital recovery of embedded CPE. Haviland Telephone Company et al., the Rural Telephone Coalition, and Anchorage Telephone Utility argue that CPE balances in Accounts 231 and 234 should be capped as of the date of detariffing and that actual plant balances, maintenance and depreciation expenses should be included within the separations process while CPE is reduced through normal depreciation accruals. Haviland, the Rural Telephone Coalition, United Telephone Systems, and Citizens Telephone Utilities recommend the application of remaining life depreciation procedures to embedded CPE. GTE, in offering a similar counter proposal, suggests that the amortization period should not be extended beyond five to seven years. AT&T objects to these proposals, arguing that they merely constitute modified Staff plans and offer nothing in the way of attention to priority separations issues.

24. We also perceive several deficiencies in these proposals. We agree with the Ad Hoc Telecommunications Users Committee that it is not incumbent upon this Joint Board to devise capital recovery plans for embedded CPE or to ensure that CPE is appropriately priced. The Joint Board is charged only with considering changes to separations procedures. We have no authority under Section 410(c) of the Communications Act, 47 U.S.C. 410(c), to make determinations as to proper depreciation procedures, or to design mechanisms for full capital recovery as embedded CPE is removed from the rate base. The Separations Manual has never been a vehicle for capital recovery. The problems of capital recovery for CPE and its removal from separations procedures, though related, are separable. It is the province of the Commission, in the context of the implementation proceeding, to establish guidelines for the valuation of embedded CPE and, in coordination with the states, to develop the applicable depreciation rates and detariffing time tables. Therefore, the Joint Board cannot resolve these matters in the context of this proceeding. Moreover, the decision made by this Joint Board will not in any way impair the ability of local companies to achieve full cost recovery for CPE. The equipment will continue to be tariffed on a basis calculated to achieve cost recovery until such time as detariffing is implemented by each state regulatory agency. Detariffing may be effected through retirement, sale or transfer to a separated subsidiary. In any case, it will be the responsibility of the state commission to design detariffing mechanisms that allow each company to at least recoup its investment. Similarly, local companies will be fully compensated for actual maintenance and depreciation expense through cost recovery techniques established at the local level. These are entirely separate considerations from those facing the Joint Board.

25. The focus of the Joint Board's task is not the proper compensation that each company should receive through separations for the CPE investment it maintains. Rather, the focus is on an equitable reduction of the revenues that separations allocations of CPE contribute to other aspects of intrastate operations. There is a significant contribution phenomenon created by the combination of SPF allocations of CPE and full cost pricing of CPE at the local level.[6] Since CPE constitutes such a large portion of the non-traffic sensitive plant subject to SPF, its exclusion from separations will substantially erode the cost base from which the SPF contribution effect is presently derived. It is this result, if achieved too precipitously, that may require inordinate intrastate rate increases. The pricing of CPE itself should be unaffected.

26. Even as a means of providing a gradual reduction in SPF allocations, a depreciation based plan is unacceptable. In order to determine whether or not reliance on depreciation accruals for the removal of CPE from separations would even approach equitable results for most companies, the Joint Board would be forced to wait until the implementation proceeding was completed and each state had rendered a decision on its own detariffing plans. It would not be until after these mechanisms had been set in motion that the Joint Board could begin to determine the impact on each company. This arrangement would inhibit the effective and timely implementation of competitive policies. Further, absent assurance that separations contribution would diminish, albeit at a measured rate, state commissions which currently desire to promote the removal of CPE from the rate base would lack the incentive to do so. This would be especially true if the depreciation process were allowed to extend much beyond a five year transition period. This would interfere with competitive processes because used equipment might be held in the rate base and, therefore, kept out of the marketplace. In addition, depending on the depreciation plan ultimately adopted, different companies could experience the impact of detariffing at widely varying rates. This may create significantly inequitable results among carriers. It would certainly make it extremely difficult for the Joint Board to redress any inequities since the particular circumstances surrounding the economic impact on each individual company would have to be studied. Thus, because of the likely unevenness of the result, the tendency to create undesirable incentives, the difficulties in remedying inequities, and the delays in implementation due to the requirement for prior resolution of valuation and state detariffing issues, we find the proposals for a depreciation based plan to be unsatisfactory.

3. *Staff Proposal*

27. The Staff proposal is favored by many of the parties. For example, the Ad Hoc Telecommunications Users Committee, Rochester Telephone Utility, and the California and the Colorado Public Utilities Commissions perceive it as a straightforward, readily implementable plan to spread the rate impact of deregulation over a reasonable period. United, USITA, Continental, the Pennsylvania Public Utilities Commission, the New York State Department of Public Service and Centel also essentially agree with the approach embodied in the Staff plan.

28. However, other parties assert either that the Staff proposal is deficient, or that it would be acceptable only with various modifications. Centel believes that the staff plan is workable, but that valuation issues should be

[6] We reject the notion, proffered by SPCC, that the Joint Board's assumption that all terminal equipment rates are set at or near full costs is contradicted by the Commission's own findings. The studies cited by SPCC that were filed in the Commission's Customer Interconnection inquiry, Docket No. 20003, 61 FCC 2d 766 (1976), 75 FCC 2d 506 (1980) and that concluded that terminal equipment revenues did not cover costs, related only to the pricing of vertical services. These studies did not encompass the pricing of all customer premises equipment. Since the time that those studies were performed, most states have instituted unbundled rates for all CPE. Some states, particularly New York, have also increased the charges for vertical services. Where Western Electric transfer prices are used instead of net book costs as the basis for ratemaking, the unbundled rates, especially for residential CPE, may actually cover more than 100 percent of the cost.

resolved first, so that the net CPE plant balances subject to separations can be identified. SPCC advocates the determination of the actual cost of CPE to be removed from the rate base and transferred to the separate subsidiary to prevent cross subsidization between regulated and unregulated services. The staff plan does not depend upon valuation of CPE or upon the actual rate at which CPE will be removed from the rate base. The five year transition period of equally spaced reductions of a given level of CPE costs represents a reasonable approximation of the anticipated average rate of detariffing under desirable conditions. This is appropriate because, as previously stated, the purpose of the continued allocation of any CPE costs is not intended to contribute to capital recovery, but is intended to prevent abrupt increases in rates as result of the sudden evaporation of such a large portion of costs that provide the basis of support through the application of SPF. At any particular time during the transition period, some companies may have more CPE in the rate base than is reflected in the declining CPE base for separations allocations. Some companies may have less. The equal separations treatment of all companies, regardless of the actual rate of detariffing of embedded CPE, will not only create incentives for the realization of the Commission's Second Computer Inquiry objectives, but will provide equally fair treatment for all telephone companies while those objectives are being achieved. Thus, the actual CPE costs involved in a detariffing plan need not be accurately reflected in the separations process at any one time during the transition period. Additionally, SPCC's fears of inadequate protection against cross subsidies are not a proper subject for this proceeding. Those concerns should be addressed in the context of the Commission's implementation proceeding.

29. A.T. & T., GTE, Haviland et al., and Citizens Telephone Utilities are also concerned that, under the staff plan, local companies will not adequately be compensated for any increases in actual maintenance expenses associated with embedded CPE. We do not expect that maintenance of embedded CPE will become a burdensome expense. In any case, this issue is akin to the capital recovery issue, and it will remain the responsibility of each local jurisdiction to provide for adequate revenues to cover these expenses. However, the present form of the Staff proposal, once recommended by this Joint Board and adopted by the Federal Communications Commission, is not forever immutable. If it becomes necessary to accommodate unforeseen increases in costs, especially for more vulnerable small companies, adjustments can be made.

30. In a similar vein, several parties including GTE, Citizens, United, USITA, the Rural Telephone Coalition, and Haviland et al., believe that the termination date for the transition period should be coordinated with the target date for completed detariffing of all CPE. This would supposedly avoid a "mismatch" between the acutal depreciation reserve and the CPE separations base, and would assist in the achievement of capital recovery. A.T. & T. and the Ad Hoc Telecommunications Users Committee view this as unnecessary. Although legal considerations might require the continued allocation of some CPE costs as long as they remain in the rate base, we believe that precise matching of the dates of total removal of CPE from both separations and the rate base is not crucial. However, matched termination dates offer the advantage of consistency and simplicity. While it is the responsibility of the Commission rather than the Joint Board to determine the ultimate detariffing date, the choice of a schedule coordinated with the completion of the separations changes recommended here is an option that may be considered in the implementation proceeding.

31. Centel thinks the regulatory treatment of inside wire in Account 232 should be clarified before a plan is adopted. ARINC, SPCC and the New York State Department of Public Service want assurance that A.T. & T. will reflect reduced revenue requirements in lowered interstate rates. We agree with A.T. & T. and the Ad Hoc Telecommunications Users Committee that the resolution of other federal regulatory policies including treatment of inside wire, access charges, depreciation schedules, and interstate rates are outside the scope of this proceeding. Futhermore, it is not necessary to delay the choice of a CPE separations plan while these matters are being resolved. The operative effect of the staff proposal will be compatible with any other separations changes that may be necessary to accommodate additional developments in federal policies. This is due to the fact that the staff proposal requires only minimal changes in the Separations Manual and does not explicitly modify the allocative factor for nontraffic sensitive plant. As Commission policies become clarified, additional modifications can be made to the Manual, if necessary. In addition, the eventual resolution of the SPF issue may incorporate some means of softening the impact of any new policies that might place an added burden on exchange operations.

32. Haviland and the Rural Telephone Coalition desire assurance that SPF will be applicable to the embedded CPE balance until it is entirely removed from the rate base and title is deeded to customers. Citizens and United recommend that SPF be capped on the detariffing date and that the capped factor be applied to the decreasing CPE separations base. We decline to assure the application of SPF to remaining CPE throughout the entire transition period. As stated above, the issue of the appropriate allocation factor for non-traffic sensitive plant is not ripe for final determination at this time. SPF will be applicable to all non-traffic sensitive plant until the Joint Board has recommended that another allocative factor is more appropriate. We do not here prejudge that decision, and cannot foresee what that factor will be. At the time that a new factor, if any, is chosen, the total impact on each jurisdiction will be taken into consideration. The effect of applying a different allocative measure to remaining CPE will be included in the analysis. We believe the argument by Citizens, that the phase out of embedded investment must be conducted under current separations procedures in order to allow each telephone company to "recover its investment according to the rules under which that investment was made", is irrelevant. We have already explained that separations allocations of CPE are unrelated to recovery of the capital invested in the equipment. The application of a different, more lucrative allocation factor to CPE would distort incentives for removal of that equipment from the rate base, thereby thwarting the achievement of detariffing objectives. Such a result is clearly contrary to our goal.

33. AT&T, ARINC, SPCC, Centel and Rochester Telephone Company believe that the plan should at least incorporate a modification from SPF to SLU. MCI argues that existing jurisdictional allocations of CPE are unlawful because they are unrelated to "cost causative realities." However, it is well known that there are no objectively verifiable cost causative realities involved in the allocation of non-traffic sensitive joint and common costs. See American Telephone & Telegraph Co., 84 FCC 2d at 392 (1981). The Ozark Plan is now under review because changes in usage patterns and the cost characteristics of

new technologies may have rendered it less serviceable. Although the allocation of non-traffic sensitive plant on the basis of traffic patterns may not be perfect technique, it has provided some reasonable measure of the burden each jurisdiction must bear. It is the hazard of using such a mechanism, however, that it may need periodic alteration as cost and usage circumstances dictate. The continued value of the SPF formula is currently under consideration. However, until that evaluation is complete we can neither endorse a transition to SLU nor promise that SPF will always be applied to CPE. We leave these decisions to a separate phase of this proceeding.

34. We see several advantages to the Staff proposal. It is an easily administered plan for the orderly extraction of CPE from the separations process. It minimizes delay and creates incentives for detariffing CPE while avoiding severe economic dislocations for small carriers. Implementation of the Staff proposal does not depend on the extensive studies that would be required to determine the appropriate factor to be applied to remaining non-traffic sensitive plant under AT&T's plan to flash-cut CPE from separations. It also does not involve the interferences with market forces that would result from a plan to coordinate CPE removal with capital recovery through the depreciation process.

35. Some state commissions have already begun programs to encourage the sale of terminal equipment and are anxious to detariff CPE, but are waiting for separations issues to be resolved. Without some kind of certainty as to the nature of separations adjustments that eventually will be made and the changes in settlements these adjustments will cause, many states may be reluctant to order detariffing. The fear of potential adverse revenue requirement impacts is a substantial deterrent to detariffing. Thus, any continued delay in the formation of a specific plan is a formidable impediment to achievement of the Commission's Second Computer Inquiry goals. Under the Staff proposal, states will easily be able to calculate the precise reduction in toll settlements that will occur for each company over a given period of time.[7] Thus, apprehension over loss of settlements will not serve as a major disincentive to states desiring to move ahead with detariffing initiatives. Both carriers and the state regulators will be able to plan sufficiently in advance for any rate adjustments that may have to be instituted. In fact, the certainty of a particular schedule for reduced settlements for CPE will encourage states and carriers to accelerate movement toward detariffing and establish schemes for adequate capital recovery. The plan will not, of course, derogate in any way from carriers' rights to full recovery of invested capital. Therefore, because of its administrative covenience, minimized economic impact, and serviceability for the achievement of detariffing objectives, we find that adoption of the modified version of the staff plan to remove CPE from separations, set forth in Appendix A, would best serve the public interest.

[7] It is expected that if the SPF formula is replaced by another factor, ample lead time will be provided to allow the recalculation of settlements impacts.

IV. Modifications to the Original Staff Plan

36. Several of the parties have suggested minor changes to the Staff plan. The Rural Electrification Administration, the Rural Telephone Coalition, Continental, and the Pennsylvania Public Utilities Commission indicate that a five year transition schedule may not be long enough. However, these parties have provided no substantive evidence regarding the specific extent of harms that they believe could be prevented through an extension of the five year period. Separations modifications relating to the removal of CPE from the jurisdictional allocation process should be made effective as swiftly as most carriers can accommodate. Further, the detariffing of CPE should be reflected in separations as straightforwardly as possible, and should not be unnecessarily confused with the general issue of the potential need for special separations treatment for small rural carriers. Thus, the staff plan properly does not attempt to address the relationship between jurisdictional cost allocations and maintenance of affordable local rates beyond the fact that a reasonable phase-in of the removal of CPE from separations seems to be most equitable.

37. In choosing the length of the transition period, the Joint Board and the Commission must carefully weigh the inequity to most carriers of a transition that may be too sudden with the deterrence from detariffing that may occur from a transition that is too long. The balancing of these factors is a specific problem arising from the implementation of a particular regulatory policy. It may be related to, but should not necessarily encompass, the broader more difficult question of the proper role of jurisdictional cost separations in the promotion of universal service. The Joint Board and the Commission will address these latter issues and the special concerns of small carriers well before the five year transition period expires. From the responses of such parties as AT&T, ARINC, United, USITA, Rochester Telephone Co., and the Ad Hoc Telecommunications Users Committee, it appears that a five year time frame for the limited changes adoted here is generally acceptable, and we believe that it would be wise not to alter it.

38. Centel requests the Joint Board to specify the subaccounts necessary to identify the costs of company telephones, pay stations and multiplexing equipment contained in Accounts 231 and 234 that are not subject to detariffing under the Second Computer Inquiry. We do not believe this is necessary. The definition of customer premises equipment to be added to the Manual's Glossary will adequately serve to assist a telephone company in the calculation of the CPE base amount. This calculation need be made only once. The creation of subaccounts for the maintenance of ongoing records for equipment that will remain in the rate base is a subject for the Commission's implementation proceeding and is not required in order to make the Staff's separations plan operational. Similarily, Centel's request for direction as to the treatment of investment tax credits would be more appropriately referred to the Commission rather than to this Joint Board.

39. Many of the parties, including AT&T, Citizens, Centel, and Haviland et al., have mentioned that for the purposes of computing the separations base the expenses associated with repair and maintenance of embedded CPE, recorded in a particular month, may not be fairly representative of the level of expenses incurred over the course of a year. They propose that annual average expense figures be used instead. We find this argument to be persuasive and have modified the proposed new Section 42.552 of the Manual to specify that the maintenance expense portion of the separations base shall consist of the average monthly recorded maintenance expense in Account 605 associated with repairs and maintenance of customer premises equipment in Accounts 231 and 234 (excluding amounts for installation, moves and changes) for the twelve months preceding the cut-off date.

40. We have also reevaluated the advisability of requiring all carriers to reduce the CPE separations base by increments of one-sixtieth each month over the five year period. Some companies may not perform cost studies

on a monthly basis, and this requirement may impose an unnecessary burden on them. Therefore, we have revised the Staff's proposed new Section 25.32 of the Manual to permit companies that have a separation study period other than monthy to establish equal intervals consistent with such study periods for reducing the base amount over five years.

41. Finally, we have considered a change in the date of implementation of the Staff plan. Orginally, the effective date was to be January 1, 1982. This was premised on the perceived advantage of coordinating the implementation date with the beginning of a new calendar year, and the need to have a plan in place at least by March 1, 1982, the Commission's original cut off date for detariffing of new CPE. On further reconsideration of its final decision in the Second Computer Inquiry, the Commission postponed the detariffing date to January 1, 1983. Thus, the urgency with which separation changes should be effected has been somewhat eased. We find that January 1, 1983, is the most appropriate date for execution of the staff plan.

42. There is certainly no need to delay implementation beyond January 1, 1983. The Anchorage Telephone Utility requested two or three years of lead time in order to allow adjustment of inventory levels, purchasing decisions, budgets, and borrowing commitments. However, it seems that many of these concerns are related to detariffing implementation rather than separations, and that, in any case, a full year of preparation before the gradual settlements reduction process begins should be sufficient for planning purposes. In contrast, the Ad Hoc Telecommunications Users Committee asserts that the date for separations changes need not be matched with the detariffing date, and may be scheduled earlier. Some states that are anxious to implement detariffing plans, such as California, may prefer an effective date for the staff plan that precedes the Commission's implementation target by six months or so. However, the benefits of such an accelerated schedule are minimal, as are detriments of a slight additional postponement. Most of the parties that remarked on the issue, including GTE, USITA and Haviland et al., stated a preference for matched implementation dates. The January 1, 1983, date appears to be the most equitable for all parties. It preserves the advantages of beginning the plan with the calendar year, and offers the best opportunity for synchronizing the actual amounts of embedded CPE with the costs that will be phased out of separations.

43. Accordingly, it is ordered that the revisions to the 1971 FCC–NARUC Separations Manual set forth in Appendix A which are to be effective on January 1, 1983, are adopted, as a Recommended Decision and Order.

The Federal-State Joint Board.*

Mark S. Fowler,

Chairman.

Addendum to the Separations Manual

General

This addendum to the February, 1971 edition of the Separations Manual provides for the phase out and termination of the allocation to interstate of customer premises equipment in Accounts 231 and 234. No customer premises equipment investment which may be added to those accounts after December 31, 1982 shall be allocated to the interstate operation. The plant balances attributable to customer premises equipment on the books as of December 31, 1982 shall constitute a base amount for allocation between state and interstate operations during a phase out period of 60 months. Starting with January, 1983 the base amount shall be reduced by one sixtieth each month, and all customer premises equipment subject to allocation between state and interstate operations shall terminate after 60 months. A consistent treatment is afforded the expenses and reserves associated with customer premises equipment. The following revisions to the manual are made:

Section 1, Part 1

A new paragraph 11.25 shall be added as follows:

11.25 The procedures set forth herein provide for the exclusion from the interstate allocation of all investments and associated reserves and expenses incurred in connection with customer premises equipment after December 31, 1982. Investments in customer premises equipment on the books as of December 31, 1982 will be phased-out over a 60-month period for allocation to interstate operations. Consistent treatment is afforded the reserves and expenses associated with phase out of the investment in customer premises equipment.

Section 2, Part 5

A new section 25.131 shall be added as follows:

25.111 The investments in Accounts 231 and 234 shall be segregated between customer premises equipment and other station equipment. Customer premises equipment shall be apportioned among the operations as set forth in Sections 25.31 and 25.32. Other station equipment shall be apportioned as follows:

A new section 25.3 shall be added as follows:

25.3 Phase-out and Termination of Interstate Apportionment of Customer Premises Equipment in Accounts 231 and 234.

25.31 New customer Premises Equipment—No portion of any investment in customer premises equipment in Accounts 231 and 234 which may be entered on the books of the company after December 31, 1982 shall be apportioned to interstate operations.

25.32 Phase-Out of Customer Premises Equipment Recorded as of December 31, 1982—The recorded investments of customer premises equipment in Accounts 231 and 234 which are on the books as of Decembr 31, 1982 shall be assigned to the five categories set forth under Section 25.2. The amount of plant investment so determined, reduced by one-sixtieth, shall be apportioned between state and interstate operations in accord with the procedures prescribed for each category under Section 25.2 for the month of January, 1983. Each month thereafter, the base December 31, 1982 amount shall be reduced by one-sixtieth of the base amount in each category, and the apportionment between state and interstate operations shall be made in a similar manner. After sixty months the amounts in each category will be reduced to zero, and no apportionment of any customer premises equipment to interstate operations shall thereafter be made. Companies that have a separations study period different than monthly may establish equal periods for reducing the base amounts consistent with such study periods to write off the base amount in 5 years.

Section 2, Part 9

The following sentence shall be added to Paragraph 29.11:

Starting with January 1, 1983 any amounts included in Account 122 associated with customer premises equipment shall be excluded from the amounts which are allocated to the interstate operation.

Section 4, Part 2

A new Section 42.55 shall be added as follows:

42.55 Phase out and Termination Provision

42.551 No portion of any maintenance expense in Account 605 associated with repairs of customer premises equipment in Accounts 231 and 234 incurred after December 31, 1982 shall be apportioned to interstate operations.

42.552 The average monthly recorded maintenance expense in Accounts 605 associated with repairs and maintenance of customer premises equipment in Accounts 231 and 234 (excluding amounts for installation, moves and changes) for the 12 months preceding the cut-off date shall be used as a base in connection with the phase out of interstate allocation of customer

*See attached statement of Commissioner Joseph R. Fogarty.

premises equipment. For the month of January, 1983 such base amount shall be reduced by one-sixtieth and apportioned among the operations in accordance with the procedures set forth above in paragraphs 42.521 through 42.542, as applicable.

Each month thereafter, the base amount shall be reduced by one-sixtieth of the base original amount, and the apportionment of such reduced amount among the operations shall be made in a similar manner. After sixty months the base amount will be reduced to zero, and no apportionment of customer premises equipment maintenance expense to interstate operations shall thereafter be made.

Section 4, Part 3

A new Section 43.112 shall be added as follows:

43.112 Depreciation expense associated with customer premises equipment in Accounts 231 and 234 for the month of December, 1982 shall be expressed as a ratio to the plant in these accounts as recorded for December 31, 1982 and such ratio shall be applied to the phase-out of plant in these accounts as described in paragraph 25.32 in accord with the procedure in Paragraph 43.12.

Section 4, Part 7

The following sentence shall be added to Paragraph 47.211:

The wage portion of maintenance expense related to maintenance of customer premises equipment shall be determined in a manner consistent with the phase-out of maintenance expense provided in Section 42.55.

Section 5, Part 1

A new paragraph 51.22 shall be added as follows:

51.22 The depreciation reserve associated with customer premises equipment in Accounts 231 and 234 shall be determined as of December 31, 1982 as a base for the phase out of customer premises equipment in those accounts. Starting with January, 1983 such base amount shall be reduced by one-sixtieth each month.

Glossary

The following definition shall be added:

Customer Premises Equipment—Items of telecommunications terminal equipment in Accounts 231 and 234, such as telephone instruments, data sets, dialers and other supplemental equipment, and PBX's which are located on customer premises and inventory included in the accounts to be used for such purposes. Excluded from this classification are similar items of equipment located on telephone company premises and used by the company in the normal course of business as well as public telephones, channel multiplexing equipment and related equipment.

Dissenting Statement of Commissioner Joseph R. Fogarty

In Re: Amendment of Part 67 of the Commission's Rules, CC Docket 80-286

At its meeting on October 13, 1981, the Joint Board instructed the staff to prepare an order adopting a staff proposal—known as the "Popenoe or California Plan"—which would cap and then phase-out of the jurisdictional separations process the allocation to interstate of customer premises equipment (CPE) over a 60-month period. The phase-out procedure was to be implemented by use of "base amounts" derived from net CPE plant balances as of a date-certain (*i.e.*, December 31, 1982). I dissented to these instructions in part because I believed that the plan was deficient in that it did not tie the phase-out of CPE from the separations process to the recovery of capital and expenses for the equipment. Additionally, I was concerned that the staff plan would not curb the alarming growth of the Subscriber Plant Factor (SPF).[1]

Unfortunately, only part of my concerns have been met. In a companion order, the Joint Board is recommending to the Federal Communications Commission that the SPF factor be capped—an action which I proposed and support.[2] However, I must dissent to this *Recommended Decision and Order* because I continue to believe that the CPE reduction factor (⅑th reduction each month) should be linked to actual revenue requirements derived from actual book costs and expenses instead of the frozen net balance figure porposed in the staff plan.

The question of whether the phase-out of the interstate allocation of embedded CPE should be based on a frozen net balance figure or actual revenue requirements may seem arcane, but the consequences of such an action can be significant. It is because of these potential consequences that I believe that the Joint Board should have recommended a cost recovery-based phase-out scheme.[3] Common sense dictates that in order not to unduly burden local rates both during and after the transition period, the proposed phase-out formula should reflect actual retirement, depreciation and maintenance expenses. Unless the proposed reductions are based on actual costs, there is the risk that some depreciation and maintenance expenses which should be borne by the interstate jurisdiction will not because the expenses were not reflected in the frozen net plant balance that the staff proposes to use as a "base amount." These newly determined or "post-freeze" costs would be forced *in toto* on to the state jurisdictions even though some part of these costs is appropriately borne by the interstate jurisdiction. *See* Comments of Citizens Utilities Company at 4–7. Not only would such a consequence be unlawful,[4] it would result in an unnecessarily high increase in local rates. State commissions should beware of the recommended plan adopted by this Board.

Although the Order recognizes this possibility, it unfairly places the burden on the states to provide for adequate revenues to recover actual—as opposed to the plan's theoretical—maintenance and depreciation expenses. *See Recommended Decision* at paras. 24 and 29. I do not believe that the Joint Board can wash its hands of this problem in its recommendation to the FCC.

My disagreement with much of the analysis in the *Recommended Decision* is fundamental. In particular, I am troubled by the assertion in the decision that the problems of capital recovery for CPE and its removal from separations procedures, although concededly related, are separable. *Recommended Decision* at para. 24.[5] While this might be theoretically correct, in reality, separations and capital recovery for CPE are inseparable as we move toward a deregulated environment. To argue as is done in paragraph 28 that "the actual CPE costs involved in a detariffing plan need not be accurately reflected in the separations process" directly contradicts the Commission's policy that whenever possible costs should be placed on the causative customer. *See*, e.g., Further Notice of Inquiry, *Deregulated Customer Premises Inside Wiring*, ———FCC 2d———(1981). The justification of the proposal to base the

[1] *See* Statement of Commissioner Joseph R. Fogarty, Concurring in Part, and Dissenting in Part, Amendment of Part 67 of the Commission's rules, CC Docket No. 80-286 (released October 13, 1981).

[2] *See* Separate Statement of Commissioner Joseph R. Fogarty, Recommended Interim Order, Amendment of Part 67 of the Commission's rules, CC Docket No. 80-286 (Adopted November 18, 1981).

[3] I disagree with paragraph 24 of the *Recommended Decision* to the extent it can be read as indicating that this Joint Board cannot recommend to the Commission that the phase-out of the interstate allocation of CPE be linked to capital and expense recovery. To state that the Joint Board "cannot resolve these matters" is to state the obvious. The Joint Board can only recommend a decision to the Commission. The Commission, however, does have the authority to tie any phase-out of CPE to capital and expense recovery.

[4] *See Smith v. Illinois Bell*, 282 U.S. 148 (1930).

[5] I note that at para. 32 the *Recommended Decision* would go farther and indicate that separations allocations of CPE are completely unrelated to capital recovery. This is inconsistent.

phase-out formula on an equitable/reasonable averaging scheme is reminiscent of the "whole-life" depreciation theory which the Commission recently abandoned as inappropriate in a competitive environment. *See Property Depreciation*, 83 FCC 2d 269 (1980). The continued allocation of CPE costs is definitely intended to contribute to capital recovery. In the *Recommended Decision* the Joint Board neglects the fact that abrupt increases in local rates may come about not just as a result of a sudden evaporation of CPE costs, but also as a result of large depreciation and expense costs which are unfairly foisted on the state jurisdictions. *See Recommended Decision* at para. 28.

No undue delay would result if the phase-out of CPE allocations was based on actual revenue requirements. The Commission would not be forced to wait until the Computer II implementation proceeding was concluded. *See Recommended Decision* at paras. 26 and 34. The 60-month reduction could be based on actual book accounts until such time as the valuation proceeding was concluded. Any difference between the book and valuation amounts not only could be compensated for at that time, but would probably be less than the difference between the staff's theoretical figures and the valuation amount.

Similarly, the use of the actual book accounts would neither create signficiant inequitable results among carriers nor cause severe economic dislocations for small carriers. *See Recommended Decision* at paras. 26 and 34. Instead, it would ensure that every carrier properly recovers all depreciation and maintenance expenses. Without such recovery, dislocations will occur.

The only substantial justification put forward for the use of frozen base amounts is that use of these amounts would permit a state to detariff and require the sale of CPE while still continuing to receive contributions from separations. I find this concept repugnant to the Commission's basic procompetitive policies. To allow a state to continue to receive contributions from separations after all CPE has been detariffed and sold would permit it to receive a windfall it does not deserve. Moreover, ratepayers in those states which did not order the quick detariffing of CPE would subsidize the rates paid by ratepayers in those states which did. For years the Commission has attempted to stop cross-subsidization of this sort. To encourage it now in the guise of providing "incentives" is wrong.

The Joint Board unrealistically attempts to base the phase-out of the interstate allocation of embedded CPE investment on a frozen revenue requirement which is in turn based on a "snap-shot" of net plant balances as of December 31, 1982. Revenue requirements have always been and will continue to be dynamic in nature. Any proposed phase-out of CPE investment which does not recognize this fact is fundamentally unfair and runs counter to the public interest.

Therefore, I dissent.

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47 CFR Part 67

[CC Docket No. 80-286; FCC 81-565]

Establishment of a Joint Board; Subscriber Plant Factor (SPF)

AGENCY: Federal Communications Commission—Federal-State Joint Board.

ACTION: Recommended interim order.

SUMMARY: The Federal-State Joint Board recommended that the Commission freeze the subscriber plant factor (SPF) on January 1, 1982 to preserve the *status quo* and limit growth of the interstate cost allocations pending adoption of final changes in the jurisdictional separations process.

DATES: The Joint Board's recommendations do not become effective until they have been reviewed and acted on the Commission.

ADDRESS: Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James McConnaughey, Policy and Program Planning Division, Common Carrier Bureau at (202) 632-9342.

Recommended Interim Order

Adopted: November 18, 1981.

Released: December 14, 1981.

In the matter of amendment of Part 67 of the Commission's rules, CC Docket No. 80-286.

By the Federal-State Joint Board: Commissioner Fogarty issuing a separate statement; State Commissioners Burke and Hipp dissenting; State Commissioner Gravelle dissenting and issuing a statement.

1. In its *Notice of Proposed Rulemaking and Order Establishing a Joint Board*, 78 F.C.C. 2d 837 (1980), the Commission stated that:

> A primary purpose of this proceeding is to reexamine rules for the allocation of exchange plant investment between interstate and intrastate services in light of the comments filed in the MIS/WATS Market Structure proceeding * * *.[1]

The comments in that proceeding raised several issues relating to the allocation of non-traffic sensitive exchange costs to the interstate jurisdiction via the subscriber plant factor (SPF) as defined in Section 23.444 of the current Separations Manual. Thus, the examination of the continued appropriateness of SPF is a task of high priority for this Joint Board.

2. To date, we have taken several steps toward the completion of this task. On June 12, 1981, we released an Order Inviting Comments and Suggested Information Requests in which we solicited preliminary views on a list of questions concerning the proper separations treatment of non-traffic sensitive plant.[2] Many parties have submitted comments in response to the June 12, 1981 Order, and have raised numerous complex issues which must be thoroughly analyzed before a final decision may be reached. The Joint Board Staff has prepared summaries of all comments filed in response to the June 12, 1981 Order and has presented to us a report of the options for long-range changes to SPF that must be considered. The Staff has also been directed to develop plans for regional hearings to be held in the near future. The hearings will allow the broadest possible participation in the development of a record that will provide the basis for our ultimate decision on the allocation of non-traffic sensitive plant. Finally, prior to the Joint Board's next meeting in February, 1982, meetings with the industry will be held in order to best take advantage of their experties on matters of long term solutions and implementation.

3. While we recognize the need to achieve an expeditious resolution of the SPF issue, we are also sensitive to the importance that any change in the allocative factor for non-traffic sensitive plant would hold for both the individual parties and the public. For this reason, we will move toward a final decision to change SPF with due caution. Because of the complexity of the issue, the substantial diversity of interests and the economic significance of the outcome, we expect that a resolution of the SPF

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[1] CC Docket No. 78-72, Notice of Inquiry and Proposed Rulemaking, 67 F.C.C. 2d 757 (1978). Supplemental Notice, 73 F.C.C. 2d 222 (1979). Second Supplemental Notice, 77 F.C.C. 2d 224 (1980).

[2] The questions were set forth as Appendix A to that Order.

issue will not be achieved for several months. Full implementation of a final plan may take a few years.

4. During that time, it is certain that continued application of SPF will cause allocations to the interstate jurisdiction to increase. The SPF formula is directly tied to usage. As interstate usage increases, as it has steadily over past years, allocations also increase. However, the SPF formula is structured so that relative use (subscriber line use or SLU) is multiplied by various factors and generally results in approximately a threefold increase in the usage measure.[3] Therefore, SPF has the effect of mangifying the allocative impact as usage increases.

CSR is the composite station rate, a ratio that combines measurements of average initial 3 minute station charges and average lengths of haul for interstate toll calls. CSR is determined for each telephone company "study area."

5. In the Commission's Order establishing this Joint Board, it was noted that the past dramatic increases in SLU were expected to continue.[4] Thus, it is highly probable that interstate allocations would grow significantly before any necessary changes to SPF are made fully effective.[5] This could result in severe adjustment problems for many carriers. If it is later determined that SPF should be capped at the present percentage or dollar amount, or that it should be reduced below current levels many local companies ultimately might have to make more substantial rate adjustments if SPF has continued to grow then such companies would make if it had been maintained at a constant level. Although we do not here prejudge the final decision, we are concerned that the continued growth of the subscriber plant factor may impose undue hardships on many local companies during the transition to any new allocative scheme. For this reason, we have decided that it is necessary, as an interim measure, to freeze SPF at 1981 levels, pending a complete examination of the allocation of non-traffic sensitive plant.[6]

[3] SPF = .85 SLU + (2 SLU × CSR).

[4] In Comments filed in CC Docket No. 78-72, AT&T outlined this growth for its own operations as follows:

	SLU (percent)	SPF (percent)	NTS costs allocated interstate (billions)	MTS/WATS interstate NTS costs [1]
1972	5.5	18	$1.9	28
1978	6.9	23	5.1	34
1983 (est.)	8.3	27	11.2	41

[1] As percent of interstate MTS/WATS revenues.

See *Notice of Proposed Rulemaking and Order Establishing a Joint Board*, 78 F.C.C. 2d 837 (1980), para. 16.

[5] In comments filed in this proceeding, GTE estimates that, as a result of continued growth of SPF, by 1992 GTE's interstate allocations will have increased by 559% while its intrastate allocations will have increased by only 186%.

6. At our meeting on October 13, 1981, we requested the Joint Staff to review the comments made by the parties and to recommend options for an interim freeze as well as the long-term resolution of the SPF issue. The Staff presented these options at the November 18, 1981 meeting. The Staff observed that inaction with respect to SPF would not preserve the *status quo* because it would result in the probable increase of interstate allocations each year. The Federal Staff developed a proposal for an interim percentage freeze of SPF to be imposed in order to approximate the *status quo* during further Joint Board proceedings to develop more permanent rules for the apportionment of exchange plant investment and related expenses.

7. This recommendation reflected, in large part, the concerns voiced by several parties regarding the need to prevent further growth in SPF while an ultimate solution is developed. For example, United Telephone System, Inc. (UTS) has suggested that SPF be frozen at current levels, as a ceiling, in order to provide all parties with the "breathing room" necessary to determine an acceptable alternative allocative measure. The United States Independnent Telephone Association (USITA) has proposed a temporary, transitional freeze of SPF followed by a reduction from SPF to SLU. Similarly, GTE Service Corporation (GTE) has advocated that SPF be capped and frozen for the first five years of a ten-year transition to SLU. Northeast Nebraska Telephone Company, while opposing an ultimate reduction to SLU, has specifically said that it would support the GTE and USITA proposals to cap SPF for five years. The Kansas Corporation Commission (KCC) also has viewed the capping of SPF as a practical interim approach to the SPF problem, and has recommended that SPF be capped for all companies whose allocations of costs related to non-traffic sensitive plant exceed 125% of the national average SPF factor (3.29), or 4.11. While we cannot, at this stage, adopt a particular transition plan or specifically endorse the GTE plan to reduce SPF to SLU within ten years, we believe that an immediate freeze of SPF is a necessary and warranted measure.

8. We believe that a freeze of actual 1981 SPF percentages is the most reasonable approach to an interim plan. An average percentage "cap," such as that proposed by KCC, would not necessarily create equitable results among carriers. In addition to being needlessly complex from a administrative standpoint, it would require that some telephone companies decrease their current allocations while other telephone companies could permit their interstate share to increase until it has reached the accepted level. Currently, the interstate percentage of non-traffic sensitive costs allocated to the interstate jurisdiction varies from state to state and carrier to carrier. Because a different SPF is calculated for each "study area," the imposition of a uniform percentage allocation would necessitate the redistribution of wealth among states or telephone companies. While it is conceivable that we may eventually determine that an avearage percentage is an equitable and efficient allocative technique, we are not yet prepared to make that determination. Thus, the frozen SPF amount must be based on actual percentages calculated for each study area for the most recent study period.

9. In addition, the freeze must be applied to a percentage rather than a dollar amount. A cap based on a dollar amount would not preserve the *status quo*. Rather, over time such a cap would actually result in reductions in the interstate share of costs. A percentage cap would permit each telephone company to allocate increased costs burdens resulting from such changes as inflation, new depreciation rates, and the expensing of station conections in the same proportion as the base year costs. This result would be more consistent with a desire to maintain the *status quo* during the course of further Joint Board deliberations.

10. The frozen SPF also would not reflect changes that might ultimately be made in the jurisdictional treatment of FX/CCSA services, private line or OCC access lines. The Joint Board has not completed its review of these issues and has not yet made any recommendations for amendments to the Separations Manual to reflect such changes. We cannot prejudge the outcome of those matters at this stage. We believe that the adoption of a frozen SPF, as a temporary interim measure, will not prejudice the positions of any of the parties and will serve to protect the best interests of all carriers until these matters can be resolved.

11. The modifications to the Separations Manual necessary to freeze

SPF as of January 1, 1982 are presented in Appendix A to this Recommended Interim Order. We believe that, because of the urgency of this matter, the cap should be effective January 1, 1982. The single frozen annual 1981 avearge SPF should be employed by each carrier for each study regardless of whether costs studies are performed monthly, quarterly, annually or on some other basis, beginning with the first study period after the Commission's designated implementation date.

12. Accordingly, it is ordered, That the revisions to the 1971 FCC–NARUC Separations Manual set forth in Appendix A, to be effective on January 1, 1982, subject to approval by the Federal Communications Commission, are adopted as a Recommended Interim Order.

The Federal-State Joint Board.[7]

Mark S. Fowler,

Chairman.

Appendix A

Section 2, Part 3

Revised paragraph 23.444 to read as follows:

23.444 The cost of subscriber line outside plant in Category 1.3 assigned to message telephone services in the study area, as determined in paragraph 23.443, is apportioned between state and interstate operations by the application, to the cost of such plant, of a subscriber plant factor, which is the sum of the following:

(a) *Annual average* interstate subscriber line use (SLU), *for the calendar year 1981,*[8] representing the interstate use of subscriber plant as measured by the ratio of interstate holding time minutes of use to total holding time minutes of use applicable to traffic originating and terminating in the study area, multiplied by the nationwide ratio of (1) subscriber plant costs assignable to the exchange operation per minute of exchange use to (2) total subscriber plant cost per total minute of use of subscriber plant, plus

(b) Twice the *annual average* interstate subscriber line use ratio for the study area *for the calendar year 1981,*[8] multiplied by the ratio of (1) the nationwide, industry-wide average interstate initial 3-minute station charge at the study area average interstate length of haul to (2) the nationwide, industry-wide average total toll initial 3-minute station charge at the nationwide average length of haul for all toll traffic for the total telephone industry.

[8] The 1981 level is to be determined through the use of the average interstate SLU calculated for the calendar year 1981 or the average interstate SLU for the customarily used twelve month study period ending in 1981. For companies that perform their first cost study after 1981, the average interstate SLU for the initial twelve month study period will be used.

[7] See attached statement of Commissioner Joseph R. Fogarty

Separate Statement of Commissioner Joseph R. Fogarty

In Re: Recommended Interim Order, Amendment of Part 67 of the Commission's Rules, CC Docket No. 80-286

It is crucial that the growth of the Subscriber Plant Factor (SPF) be capped. The phase-out of the interstate allocation of embedded customer premises equipment, as recommended by the Joint Board in a companion order,[9] is at best an initial step. Many pressing issues still remain for the Joint Board to address. Of special concern is the alarming growth of the SPF factor with the resultant increase in interstate allocations of subscriber plant. While phase-out of the CPE allocation may slow down this frightening growth in interstate allocations of subscriber plant, it will not stop it. Only a comprehensive Joint Board plan will achieve this needed result, and I hope that the Joint Board can move expeditiously to this end.

Unfortunately, the development of such a plan will be time consuming. In the interim, the problem will continue to grow more severe. Due to the basis nature of the Ozark formula, the SPF factor will continue its exponential growth, causing greater dislocations, if no action is taken prior to the adoption of a comprehensive plan. For example, in 1971, the Ozark Plan's first year of operation, 17% of non-traffic sensitive costs were allocation to the interstate jurisdiction. Due to the dynamics of the Ozark Plan, that figure rise to 23% in 1978 and is expected to increase in 1983.[10]

An interim solution is necessary if the SPF growth problem is not to go completely out of control before the Joint Board can develop a comprehensive plan. A Commission-ordered cap of the SPF factor as of January 1, 1982 is the only possible interim solution.

A SPF cap offers many advantages. A cap would stop the growth of the SPF factor but the actual dollars derived from interstate allocations because of the continuing growth of SLU. As a consequence, smaller telephone companies would not be injured because the dollar amounts they receive should remain at approximately the same level. Further, it is fairly certain that the Joint Board will ultimately recommed adjustments in the separations process which will result in reducing SPF to SLU or an equivalent. A cap on SPF would minimize the ultimated size of that reduction by preventing the SPF factor from increasing while the Commission considers such issues as access charges and the Access Cost Factor proposed in the Wyoming Plan.[11] The cap would not disadvantage one company or state against another. It would be easy to administer. Moreover, no company or state would assign a lower amount of its costs to interstate than was assigned in a previous year.

The cap on SPF should continue until the Joint Board has recommended and the Commission adopted a comprehensive plan. At that point the cap may be lifted and any modification of SPF begun.

Such a modification of SPF, however, must be undertaken with great care. I believe that the Joint Board must take special precautions to insure that its future recommendations to the FCC regarding interstate allocations of SPF protect the vulnerable small rural telephone companies.

In conclusion, I urge that the Commission adopt this Joint Board recommendation to cap SPF.

Dissenting Statement of Richard D. Gravelle

I dissent. The action taken here to limit SPF is improper in at least four ways. It does not follow the procedures that the Joint Board, itself, adopted. No record has been developed to support the action. It does *not* maintain the *status quo.* No determination has been made as to the effect on rate payers.

This action does not follow the Joint Board's own procedures.

In our order adopted November 12, 1980, Released December 5, 1980, we stated that we would "in general attempt to follow the Commission's rules and regulations pertaining to Rule Making" set out in §§ 1.1 to 1.120 and 1.399 to 1.430 of the Commission's Rules since the purpose of this proceeding is to amend a rule, namely, Part 67 of the Commission's rules. Section 1.412(a) of the Rules provides, "Except as provided in paragraphs (b) and (c) of this section, prior notice of proposed rule making will be given". In my view there is nothing in paragraphs (b) and (c) of § 1.412 which would permit waiver of notice for a specific rule change as proposed here. Section 1.415 provides, inter alia, that a reasonable time will be afforded parties to file comments and reply comments. The order here adopted by the majority does neither. It proposes for the first

[9] *See* Recommended Decision and Order, Amendment of Part 67 of the Commission's Rules (Adopted November 18, 1981).

[10] Comments of AT&T, MTS-WATS Market Structure, Docket 78-72 at 97.

[11] *See* Proposal of Wyoming Telephone Comapny, Inc. et. al.

time a specific rule change and then makes it effective on January 1, 1982 without further debate. I submit this is a clear violation of the rules under which we operate and a clear violation of any sense of fairness.

No record has been developed to support this action.

It is true that there have been numerous filings, many of them not specifically called for, which have demanded, "freeze SPF". Mainly these filings contain allegations which are nothing more than self serving statements of the parties doing the filings. The claim is made that SPF is too high or that it is growing too fast. Why is it too high? Why is it growing too fast? What is the public detriment if SPF is too high or growing too fast? What are the effects to be expected if it continues to grow? What will be the effect on the ratepayer of freezing SPF?—of permitting it to grow? These are all questions which should be answered before we take such a drastic action as here proposed.

As far as I can see the principal argument advanced by the carriers is that the established carriers, being saddled with SPF, cannot compete with the new other common carriers (OCC's) which do not have SPF costs added into their intercity rates. Here again I think a record should be developed. The information I have is that the message toll business continues to grow at 10% a year and that the specialized carriers have less than 3% of the business. At what rate should message toll grow? How much business should the competition have? Is the competition's business merely a bite out of message toll or has competition generated new business? What will be the effect on competition if SPF is frozen, or reduced to SLU as some of my colleagues on the Joint Board appear to advocate? Can the OCC's even continue to exist if the established carriers operate with the same local cost burden as the OCC's? These are all questions which must be answered before we move precipitously ahead to eliminate SPF or even just freeze it.

As a further point I note that the majority has ignored our staff in making this recommendation. The Joint Staff considered this matter at its meeting on November 15, 1981. The Joint Staff at this time concluded that there was an inadequate record on the subject of freezing SPF. By a unanimous vote the Joint-Staff recommended that the question should be the subject of an order to be issued at the February, 1981 Joint Board meeting seeking comments on the question: Should SPF be frozen and, if so, how?

The majority's action does not maintain the status quo

The majority alleges that the result of their order "would be more consistent with a desire to maintain the *status quo*" than would placing a cap on the dollar amount of costs assigned interstate. If the majority has a desire to maintain the status quo, why do they not leave things as they are? The majority's action does not maintain the status quo. The status quo is a variable SPF factor that either increases or decreases with relative volumes of interstate and local traffic. The majority would have us believe that the only way SPF can move is up. That is false. Although SPF has generally increased in recognition of the recent phenomenal growth in toll, it can and has declined when toll business declines. For instance, see the 1981 Report of the NARUC Committee on Communications which includes an eight year tabulation of SPF by states on page 44 and 45. This shows that the Bell SPF for Michigan steadily declined from 14.70 to 13.44 between 1973 and 1976. Likewise the Bell SPF for North Carolina declined from 18.96 to 18.35 between 1974 and 1975.

The status quo is that state rates are based on costs which include a growth in SPF. Individual companies have counted on a growth in SPF to help meet the ever escalating cost of providing universal service in rural areas. What happens to the company that converts from rural eight- and ten-party service to individual line? What happens to a company that converts from average settlement to cost settlement? The majority on this Joint Board cannot tell me. In the rush to cap SPF the numerous questions associated with a cap of SPF have not been thought out or developed. At the very least this matter should have gone through the comment stage to seek answers to some of these questions.

The effect on rate payers has not been determined.

We have just finished taking an action to phase out customer premises equipment (CPE) which will cost the local rate payers an estimated $4.4 billion per year in five year's time even with a growing SPF. In view of deregulation of CPE such action was inevitable. Now, right on top of that, the majority on this board is asking the state rate payer to swallow another big chunk all to the end that interstate rates can be lowered to meet the competition. My staff assistant has calculated, that assuming a continuing 4% growth in SPF, the cost of capping SPF to the local rate payer will be an additional $5.1 billion in 1987 when CPE is finally phased out. In sum, the majority has just taken action to transfer $9.5 billion to the local rate payer which, of necessity, must be made up in local rates.

If I heard my colleagues correctly there are some that say that is just the first step; the objective is to go to SLU. That would be another $5 billion, or so. Should we not be attempting to find what these actions will do to exchange rates and to universal service? I am apprised of recent testimony in the Bell anti-trust case that a doubling of exchange rates would decrease the telephone penetration of households from 91.5% to 83.7% and that a tripling of rates would further reduce the penetration to 70%. Is this the way we are headed? Does the concept of "Universal Service" mean that we should reduce the number of households that can afford telephone service from 91.5% to 70%? This could certainly be the effect in many high-cost areas. Such a heavy impact on the residential users of this country deserves more consideration than has been given to this hasty proposed "Cap SPF" decision. I think we should find out what the effects are before we act on such far reaching changes as here adopted by the majority.

[FR Doc. 81-37356 Filed 12-30-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 67

[CC Docket No. 80-286; FCC 81-580]

Establishment of a Joint Board; Customer Premises Equipment (CPE)

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: The Commission is requesting comments on the Joint Board's recommended decisions phasing customer premises equipment (CPE) out of the jurisdictional separations process and freezing the subscriber plant factor (SPF). The Commission decided to allow additional input by interested persons prior to reviewing the Joint Board's recommendations because of the importance of the issues involved.

DATES: Comments must be filed on or before January 18, 1982. Replies must be filed on or before February 2, 1982.

ADDRESS: Federal Communications Commission, 1919 M St., NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James McConnaughey, Policy and Program Planning Division, Common Carrier Bureau at (202) 632-9342.

Adopted: December 17, 1981.

Released: December 21, 1981.

By the Commission: Commissioner Fogarty concurring in the result.

In the matter of amendment of Part 67 of the Commission's rules and Establishment of a Joint Board, CC Docket No. 80-286.

1. The Commission instituted this proceeding on June 11, 1980 to revise the Commission's rules concerning the allocation of local exchange investment and expenses between interstate and intrastate services.[1] Pursuant to Section 410(c) of the Communications Act, a Federal-State Joint Board was convened to develop recommended changes in the jurisdictional separations process 45 FR 41459, June 19, 1980. Amendment of Part 67 of the Commission's rules, 78 FCC 2d 837 (1980). On June 10, 1981, (46 FR 32281) the Joint Board adopted an Order requesting comments on a proposed plan for phasing customer premises equipment (CPE) out of the separations process as well as a lengthy list of issues including, among other things, questions concerning the use of the subscriber plant factor (SPF) in the allocation of local exchange plant. Over 90 comments and replies were filed in response to the Joint Board's Order.

2. After considering these comments, the Joint Board adopted a recommended decision at its November 18, 1981 meeting designed to phase CPE out of the separations process over a five-year period. Amendment of Part 67 of the Commission's rules, FCC 81-566, released December 14, 1981. At this meeting, the Joint Board also adopted a decision recommending that SPF be frozen on January 1, 1982 as an interim measure pending adoption of final rule changes. Amendment of Part 67 of the Commission's rules, FCC 81-565, released December 14, 1981. The Joint Board felt that freezing SPF as soon as possible was necessary to preserve the *status quo* and prevent increases in interstate cost allocations resulting from the growth of SPF pending final resolution of the issues in this proceeding.[2]

3. In light of the importance of these proposed changes in the jurisdictional separations process, we are requesting comments on both Joint Board recommendations. We agree with the Joint Board that interim action concerning SPF is an urgent matter. We also believe that the benefits to our decision-making process resulting from a further round of comment justify the brief additional period of time involved. Due to the previous opportunities for comment on these issues and the need for expeditious action on the SPF proposal, we are establishing an expedited pleading schedule with comments due January 18, 1982 and replies due February 2, 1982.

4. Section 410(c) of the Act provides that the State members of the Joint Board are to be afforded an opportunity to participate in the Commission's deliberations concerning Joint Board recommendations, although they are not entitled to vote. Since the Joint Board will be meeting on or about February 24, 1982 in Washington, D.C. in conjunction with the February NARUC executive committee meeting, we will schedule Commission consideration of the Joint Board's recommendations at a regular or special meeting at that time. Although this allows only a relatively brief period of time for the analysis of comments on the Joint Board's recommendations, we believe that expeditious action is necessary and we are directing the staff to devote sufficient resources to this proceeding to allow Commission action in February 1982.

5. Accordingly, it is ordered, that comments concerning the Joint Board's recommended decisions involving CPE and SPF are to be filed no later than January 18, 1982. Replies are to be filed no later than February 2, 1982.[3]

6. It is further ordered, that the Secretary shall cause this Further Notice of Proposed Rulemaking as well as the Joint Board's recommended decisions concerning CPE and SPF to be published in the **Federal Register.**

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-37355 Filed 12-30-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Since local exchange plant is used in the origination and termination of interstate services, a certain proportion of local exchange costs are presently allocated to the interstate jurisdiction and recovered through the charges for the relevant interstate services.

[2] Non-traffic sensitive local exchange plant and expenses are presently allocated between the interstate and intrastate jurisdictions on the basis of SPF. When interstate relative use or subscriber line usage (SLU) increases, as it has in recent years, SPF and the resulting interstate cost allocation also increase. However, the use of various multiplicative factors in calculating SPF means that a 1.0 percent increase in relative use or SLU results in approximately a 3.3 percent increase in SPF.

[3] In light of the desirability of expeditious action discussed above, requests for extension of the time for filing comments and replies will be looked upon with disfavor and will be granted only upon the strongest showing of need.

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1001, 1007, 1008, and 1220

[Ex Parte No. 420 (Sub-No. 2A)]

Regulatory Flexibility Act; Periodic Review of Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Notice of review of regulations.

SUMMARY: On November 3, 1981, the Commission published its 10-year plan for the review of its regulations which have or will have a significant impact on a substantial number of small entities [46 FR 54614]. Listed below are the rules which will be reviewed during calendar year 1982 in accordance with section 610 of the Regulatory Flexibility Act (5 U.S.C. 610). Following each rule identified is a brief description of the rule including its purpose and legal basis. Our general purpose is to ensure that each regulation which affects small entities achieves a valid purpose in the most efficient and economical manner possible.

DATE: Comments must be filed on or before March 1, 1982.

ADDRESSES: For each rule listed below, an address for the submission of comments is listed.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: Four sets of rules will be reviewed during calendar year 1982. Although it did not appear in our original schedule, we have included the regulation at 49 CFR Part 1001 (Inspection of Records) for review during calendar year 1982. The regulation implements the Freedom of Information Act and is a companion regulation to the regulation at 49 CFR Part 1007, already scheduled for review. The complete list of regulations to be reviewed is as follows:

Subject	ICC rule: 49 CFR	Legal basis	Contact person	Address comments to
1. Inspection of Records	Part 1001	5 U.S.C. 552	S. Arnold Smith	S. Arnold Smith, FOIA and Privacy Officer, Room 3387, ICC, Washington, D.C. 20423.

Description and objective of the rule: These rules implement the Freedom of Information Act (5 U.S.C. 552). They provide that all information on file with an agency be disclosed to the public unless any of the 9 exemptions set forth in the statute and rules give the FOIA officer a discretionary legal basis on which to withhold its release. The rules mandate that information be released within 10 days from the receipt of a request and sets forth appellate procedures in the event a requester desires to appeal the withholding of a part or all of a particular document.

Subject	ICC rule: 49 CFR	Legal basis	Contact person	Address comments to
2. Records containing information about individuals.	Part 1007	5 U.S.C. 552a	S. Arnold Smith, 202-275-7076	Same as above.

Description and objective of the rule: These rules implement the Privacy Act of 1974 (5 U.S.C. 552a). They provide that systems of records containing information about individuals not be released to the public unless specifically exempted from nondisclosure. They also provide that individuals may see documents containing information about themselves and seek to have them amended or corrected. Additionally, the rules provide for appellate procedures should the Agency's Privacy Officer's determination in any of the areas be in conflict with individual interests.

Subject	ICC rule: 49 CFR	Legal basis	Contact person	Address comments to
3. Procedures governing, investigation, disposition of overcharges, duplicate payment or over collection claims.	Part 1008, Subchapter A	49 U.S.C. 10103, 10301-10306, 10308-10309, 10311, 10321-10325, 10328, 10701, 10702, 10721-10724, 10761, 10922, 10923, 11101, 11703, 11705, 11706, 11913.	R. G. Atherton, 202-275-7844.	R. G. Atherton, ICC, Room 7205, 12th and Constitution Ave., NW., Washington, D.C. 20423.

Description and objective of the rule.—These regulations provide uniform procedures for motor common carriers and freight forwarders in handling and disposing of overcharge, duplicate payment, or overcollection claims.

Subject	ICC rule: 49 CFR	Legal basis	Contact person	Address comments to
4. Preservation of records	Part 1220	49 U.S.C. 11144(d)	Wayne Howard, 202-275-7448.	Wayne Howard, Section of Accounting and Reporting, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423.

Description and objective of the rule.—This part instructs carriers to maintain their corporate, treasury, property, personnel, insurance and claims, inventory, transportation, tariff, statistical, and miscellaneous records in certain forms (microfiche, hard paper copy, or machine readable) and for certain periods. The objectives of the rule are to assure that carriers' records are secure, readable, and accessible and to provide carriers with firm guidelines for keeping records available.

(5 U.S.C. 610)

Dated: December 23, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37278 Filed 12-30-81; . . . am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

North Pacific Fishery Management Council; Public Hearing

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

ACTION: Notice of public hearings.

SUMMARY: The North Pacific Fishery Management Council (Council) will hold public hearings on proposed Amendment No. 11 to the Fishery Management Plan for the Gulf of Alaska Groundfish (FMP).

DATES: Written comments on the proposed amendment from members of the public are invited until February 8, 1982. The public hearing will be held as follows: January 8, 1982—Juneau, Alaska. The hearing will start at 9:00 a.m. and adjourn at 12:00 p.m.

ADDRESS: Send comments to: Chairman, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510.

PUBLIC HEARING LOCATION: Federal Building, Room 117, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Jim Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, (907) 274-4563.

SUPPLEMENTARY INFORMATION: The primary purpose of the hearing will be to consider amendments to the Gulf of Alaska groundfish FMP. Among the proposals being considered is one from the Plan Maintenance Team proposing a reduction in optimum yield for sablefish. The Alaska Longline Fishermen's Association has proposed (a) allowing

only hook and line gear for sablefish east of 140° W., and (b) a winter, gulfwide closure of the sablefish fishery from November 15 to March 15 each year. The North Pacific Longline-Gillnet Association has proposed opening the Davidson Bank area to foreign longlining. The Plan Maintenance Team also proposed two options to amend the reporting requirements for domestic fishing vessels that land their catches outside of Alaska. One requires domestic fishing vessels to report their catch and advise the management agencies of their departure by radio before leaving Alaskan waters. The other requires them to report their catch by making a port call before leaving Alaskan waters. A new method for specifing the annual level of expected harvest of groundfish by domestic fishermen and for establishing reserve amounts of groundfish is also included in the amendment package.

Dated: December 22, 1981.

E. Craig Felber,

Chief, Management Services Staff, National Marine Fisheries Service.

[FR Doc. 81-37359 Filed 12-30-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 251
Thursday, December 31, 1981

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

Forest Service

Public Review of Alternative Goals; 1985 Resources Planning Act (RPA) Program

The Department of Agriculture, Forest Service is inviting public comment to help prepare the 1985 Resources Planning Act (RPA) Program. This is the third long-range plan for the future management of the 190-million-acre National Forest System, as well as Forest Service research and cooperative assistance activities.

Comments are being solicited in regard to national goals to be addressed by the 1985 RPA Program through a publication entitled "Alternative Goals—1985 RPA Program". Copies of this publication can be obtained at all Forest Service offices. Federal, State and local agencies, and individuals and organizations who may be interested in or affected by long-range natural resource planning are invited to participate. Comments must be received by the Forest Service on or before March 15, 1982.

Comments should be mailed and inquiries addressed to: Thomas E. Hamilton, Director, Resources Planning and Assessment; Room 3243 South Building; USDA, Forest Service; Box 2417; Washington, D.C. 20013; (202) 447–5440.

Douglas R. Leisz,

Associate Chief.

December 21, 1981.

[FR Doc. 81-37286 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-11-M

Revised Notice of Intent To Prepare Environmental Impact Statement; Competing Vegetation During Reestablishment of Forests; Pacific Southwest Region

A Notice of Intent to Prepare an Environmental Impact Statement for the Pacific Southwest Region on Competing Vegetation During Reestablishment of Forests on National Forest Lands (California, Nevada, Mineral, Esmeralda, Carson City, Douglas and Washoe Counties, Oregon-Jackson County) was published in the Federal Register on October 28, 1981, Vol. 46, No. 208, page 53198.

The period for receiving written comments and suggestions concerning this analysis has been extended from January 15, 1982 to January 29, 1982.

Dated: December 23, 1981.

Robert W. Cermak,

Deputy Regional Forester for Resources.

[FR Doc. 81-37256 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-11-M

Review Period Extension Notice for Draft Environmental Impact Statement; Southwestern Region Land and Resource Management Plan

The deadline for review of the Draft Environmental Impact Statement and Southwestern Region Plan for Arizona, New Mexico, Oklahoma, and Texas was stated as December 18, 1981, in the Federal Register, vol. 46, No. 181, Friday, September 18, 1981.

The date for review is now extended to January 15, 1982. The responsible official is R. Max Peterson, Chief, USDA Forest Service. Comments should be sent to M. J. Hassell, Regional Forester, USDA Forest Service, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87102.

Dated: December 18, 1981.

M. J. Hassell,

Regional Forester.

[FR Doc. 81-37254 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-11-M

Toiyabe National Forest Grazing Advisory Board; Meeting

The Toiyabe National Forest Grazing Advisory Board will meet at 10:00 a.m. February 10, 1982 in the Lander County Courthouse, Austin, Nevada. The purpose of this meeting is to discuss the functions, structure and procedures the board will use to conduct its business.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor, Toiyabe National Forest, 111 N. Virginia St., Room 601, Reno, Nevada 89501. Telephone: (702) 784–5331. Written statements may be filed with the committee before or after the meeting.

Frank J. Ferrarelli,

Forest Supervisor.

December 22, 1981.

[FR Doc. 81-37261 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Senior Executive Service Bonuses

December 23, 1981.

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture will be paying Senior Executive Service bonuses no earlier than December 20, 1981, and no later than December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Earl C. Hadlock, Chief, Executive Resources, Performance Appraisal, and Merit Pay Staff, Office of Personnel, Department of Agriculture, 14th Street and Independence Avenue, S.W., Washington, D.C. 20250 (202–447–2830).

John R. Block,

Secretary of Agriculture.

[FR Doc. 81-37283 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-01-M

Policy and Technical Advisory Committees on Science and Education Research Grants

Notice is hereby given that the Secretary of Agriculture intends to establish a Policy Advisory Committee and a Technical Advisory Committee on Science and Education Research Grants. The purpose of the Policy Advisory Committee is to advise the Secretary with respect to areas of agricultural research to be supported, priorities to be adopted, and procedures to be followed in implementing programs of research grants to be awarded competitively. The purpose of the Technical Advisory

Committee is to advise the Secretary of Agriculture on the relative technical and scientific research grant applications submitted to Science and Education of the U.S. Department of Agriculture. The activities of the Technical Advisory Committee may be accomplished primarily through subcommittees consisting of peer scientists in areas of research to be funded.

Both Advisory Committees will meet annually in Washington, D.C. The duties of these Committees are to evaluate research proposals for scientific merit and to provide recommendations to the Secretary on proposals that should be considered for funding as a part of the selection process for research grant awards.

It has been determined that the establishment of these Advisory Committees is in the public interest in connection with the work of the U.S. Department of Agriculture.

Interested parties are invited to submit written comments, views, or data concerning this proposal to Walter I. Thomas, Acting Administrator, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, by January 15, 1982.

Done at Washington, D.C. this 23rd day of December, 1981.

John Schrate,

Deputy Assistant Secretary.

[FR Doc. 81-37350 Filed 12-30-81; 8:45 am]

BILLING CODE 3410-22-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed under Subpart Q of the Board's Procedural Regulations; (See, 14 CFR 302.1701 et. seq.) Week Ended December 24, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Dec. 22, 1981	40326	Southcentral Air, Inc., c/o Richard P. Taylor, Steptoe & Johnson, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036 Application of Southcentral Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail between the terminal point Anchorage, Alaska; the intermediate points: Cordova, Alaska; Fairbanks, Alaska; Gulkana, Alaska; Homer, Alaska; Iliama, Alaska; King Salmon, Alaska; Kenai, Alaska; Kodiak, Alaska; Prudhoe Bay/Sag River/Deadhorse, Alaska; Seattle, Washington; Valdez, Alaska; and the terminal point: Yakutat, Alaska. Conforming Applications, motions to modify scope, and answers may be filed by January 19, 1981.
Dec. 23, 1981	40335	Capitol International Airways, Inc., P.O. Box 325, Smyrna, Tennessee 37167. Conforming Application of Capitol International Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authorization to provide scheduled air transportation of persons, property and mail: Between the coterminal points New York, N.Y. and Washington, D.C. the intermediate points Brussels, Belgium and/or Frankfurt, Germany, and the coterminal points Moscow and Leningrad, U.S.S.R. subject to such terms, conditions and limitations as the Board may find to be required by the public convenience and necessity. Answers may be filed by January 6, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc 81-37279 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-12-147]

Fitness Determination of Trans Midwest Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-12-147, Order to Show Cause.

SUMMARY: The Board is proposing to find that Trans Midwest Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service will conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than January 14, 1982, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-12-147.

FOR FURTHER INFORMATION CONTACT: Mr. James Lawyer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-12-147 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-12-147 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: December 23, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37343 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-12-146; Docket 39975]

Application of Trenton Hub Express Airline, Inc. for a Certificate of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting a Fitness Investigation of Trenton Hub Express Airline, Inc., 81-12-146, Docket 39975.

SUMMARY: The Board is issuing an order instituting a fitness investigation of Trenton Hub Express Airline, Inc.

DATES: Persons wishing to file petitions to intervene in the Trenton Hub Express Fitness Investigation shall file their petitions in Docket 39975 by January 11, 1982 and serve such filings on all persons listed below.

ADDRESSES: Petitions to intervene should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 39975, application of Trenton Hub Express Airline, Inc. for a certificate of public convenience and necessity.

In addition, copies of such filings should be served on: Trenton Hub Express Airlines, Inc.; the Mayors of Trenton, New Jersey; Albany, Buffalo and Syracuse, New York; Atlanta, Georgia; Boston Massachusetts; Charlotte, North Carolina; Chicago, Illinois; Cincinnati, Cleveland and Columbus, Ohio; Detroit, Michigan; Ft. Lauderdale, Orlando, Tampa and West Palm Beach, Florida; Hartford, Connecticut; Indianapolis, Indiana; Pittsburgh, Pennsylvania; St. Louis, Missouri; and Washington, D.C.; the managers of these cities' airports; the State Department of Transportation or Aeronautics Commission of New Jersey, New York, Georgia, Massachusetts, North Carolina, Illinois, Ohio, Michigan, Florida, Connecticut, Indiana, Pennsylvania and Missouri; and the Federal Aviation Administration.

Service will also be required on any other person filing petitions.

FOR FURTHER INFORMATION CONTACT: John F. Brennan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-12-146 is available from our Distribution Section, Room 100, 1825 Connecticut Ave., N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-12-146 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: December 23, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-37342 Filed 12-30-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Exporters' Textile Advisory Committee, which is comprised of 30 members involved in textile and apparel exporting, advises Department of Commerce officials concerning ways of increasing U.S. exports of textile and apparel products.

TIME AND PLACE: February 2, 1982 at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, N.W.)

AGENDA: (1) Review of export data, (2) Report on conditions in the export market, (3) Recent foreign restrictions affecting textiles, (4) Other Business.

PUBLIC PARTICIPATION: A limited number of seats will be available to the public on a first come basis. The public may file written statements with the Committee before or after the meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

Dated: December 28, 1981.

Arthur Garel,

Acting Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81-37270 Filed 12-30-81; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 615]

Chicago International Trading Co., Respondent; Administrative Proceedings

Order

The Office of Export Administrtation, United States Department of Commerce (the "Department"), initiated administrative proceedings, pursuant to Section 11(c) of the Export Administration Act of 1979 (50 U.S.C. app. sec. 2401, *et seq.*) (Supp. III 1979) (the "Act") and Part 388 of the Export Administration Regulations (15 CFR Part 368, *et seq.* (1981)) (the "Regulations"), against Chicago International Trading Co. ("CIT") 4819 S. Ashland Avenue, Chicago, Illinois 60609, by issuing a charging letter (the "Charging Letter") alleging that CIT violated Sections 387.2 and 387.6 of the Regulations.

The Department and CIT have entered into a Consent Agreement whereby each party has agreed to settle this matter: (1) by a denial to CIT of all export privileges, subject to certain exceptions, for a period ending January 14, 1982; and (2) by payment of a civil penalty by CIT in the amount of $10,000.

The Hearing Commissioner approves the Consent Agreement.

It is therefore ordered,

First, For a period to and including January 14, 1982, CIT is denied all export privileges, except that, upon prior written notification of and prior written authorization by the Hearing Commissioner, CIT may, provided any such export complies with the Regulations, export to satisfy service and repair requirements (including spare and replacement parts) arising from prior legal exports.

Second, CIT is assessed a civil penalty, pursuant to Section 11(c)(1) of the Act, to be paid as follows.

A. Within 20 days of the date of this Order, CIT shall pay $3,000 in the manner specified in the attached instructions.

B. Payment of the remaining $7,000 by CIT shall be suspended for a period to and including October 14, 1982, with payment of this suspended penalty to be waived at the end of this period, provided CIT has committed no violation of the Act, the Regulations, or this Order.

Third, Within six months after the date of this Order, CIT shall submit a written report to the Director, Compliance Division, Office of Export Administration, setting forth in detail the steps CIT has implemented to ensure its future compliance with the Act and the Regulations. Because a copy of such report may be made available for public inspection, CIT may submit, for such public inspection, a duplicate of such report, marked "Public Inspection Copy", and may edit such copy to delete information that would be properly exempt from public disclosure under 5 U.S.C. section 552.

Fourth, The Charging Letter, the Consent Agreement, and this Order shall be made available to the Public, and this Order shall be published in the Federal Register.

This Order is effective immediately.

Dated: December 22, 1981.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 81-37210 Filed 12-30-81; 8:45 am]

BILLING CODE 3510-25-M

Preliminary Affirmative Determination of Sales at Less Than Fair Value; High Power Microwave Amplifiers and Components Thereof From Japan

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative determination of sales at less than fair value.

SUMMARY: We have preliminarily determined that high power microwave amplifiers and components thereof from Japan are being sold in the United State at less than fair value. We have notified the U.S. International Trade Commission of our decision and are directing the U.S. Customs Service to "suspend liquidation" of all entries or warehouse withdrawals of this merchandise for consumption and to require a cash deposit, bond, or other security in an amount equal to the estimated dumping margin of 16.6 percent. Because we have also found that this case does not present critical circumstances, this suspension will not be retroactive.

Unless we extend the investigation, we will make our final determination within 75 days of this notice's signature. Interested parties may submit oral or written views concerning this decision.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Steven Morrison, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, Telephone: (202) 377–1279.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based on our investigation and in accordance with 19 CFR 353.39 (a)(2), we have preliminarily determined that there is reason to believe or suspect that high power microwave amplifiers and components thereof from Japan are being sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act). We have found that the U.S. prices of this merchandise are lower than their foreign market values. The estimated dumping range is 13.2 to 38.9 percent with the weighted-average margin being 16.6 percent.

Unless we extend this investigation, we will make our final determination within 75 days of this notice's signature.

Case History

On July 24, 1981, we received a petition in proper form from Aydin Corporation, Ft. Washington, Pennsylvania. The petition alleged that high power microwave amplifers from Japan were being sold in the United States at less than fair value, and that such sales were materially injuring a U.S. industry. The petitioner compared the purchase price of the goods in question with the constructed value. The petitioner also claimed that this case presented "critical circumstances" because massive amounts of this merchandise would be imported during a relatively short period.

After reviewing the petition, we decided it contained sufficient grounds to initiate an antidumping investigation. Therefore, we notified the U.S. International Trade Commission of our decision and on August 17, 1981, we announced the initiation (46 FR 41542). On September 16, 1981, the ITC preliminarily found that there is a reasonable indication that these imports are materially injuring or are threatening to materially injure a U.S. industry (46 FR 46021).

Scope of Investigation

For purposes of this investigation, high power microwave amplifiers are radio-frequency power amplifier assemblies and components thereof, specifically designed for uplink transmission in the C, X and Ku bands from fixed earth stations to communication satellites and having a power output of one kilowatt or more. They are currently classified under item 685.29 of the Tariff Schedules of the United States. The International Trade Commission limited its preliminary determination to this merchandise. We have redefined the scope of merchandise covered to conform with the ITC definition.

Since Nippon Electric Company, Ltd. manufactures all of the high power microwave amplifiers that Japan exports to the United States, we limited our investigation to that company. There were two types of high power amplifiers exported: Klystron amplifiers, which include a Klystron tube, and TWT amplifiers, which include a travelling wave tube.

This investigation covers the period March 1, 1981 through August 31, 1981.

Methodology for Fair Value Comparison

To determine the fair value of any product, we compare its U.S. price with its foreign market value.

U.S. Price

To determine the U.S. price of the high power amplifiers we used the purchase price, as defined in section 772(b) of the Act. We did so because the price of the high power amplifiers to the unrelated U.S. customer was agreed to before it was imported to the United States.

In accordance with section 772(d) of the Act, we calculated the purchase price by deducting the following expenses the exporter incurred in Japan: inland freight, airport usage, handling, airport storage, cartage and customs handling.

Foreign Market Value

To determine the foreign market value of high power amplifiers, we used their constructed value, as defined in section 773(e) of the Act. We used this method of calculation because there were no separate sales of high power amplifiers in the home market or to third countries. While there were high power amplifiers sold to third countries as part of larger sales of earth stations, they comprised a minor element in those contracts. In addition, we were not able to determine if the contract items indicated corresponded with the merchandise sold to the United States.

We constructed the foreign market value of high power amplifiers by adding the material and fabrication costs, the normal home market general expenses (which exceeded the statutory minimum), the estimated general expenses of the related U.S. subsidiary, the statutory profit (which was higher than the usual profit), and the cost of packing.

During the verification, we found that the costs of materials and parts were based on estimates. We requested actual cost data on materials and parts. NEC submitted the information for travelling wave tube amplifiers but not for Klystron amplifiers. In absence of actual cost data information on the Klystron amplifiers, we based our calculation of materials costs, excluding the cost of the Klystron tube, on the best information available. This was determined to be information furnished by the petitioner. We used NEC's cost for the Klystron tube because that information was verified.

We used labor costs which included directly related overhead costs for fabrication costs. We plan to conduct an additional verification to determine whether the estimates in NEC's submission accurately reflect the actual costs incurred to date. At that time we will also determine whether the method of allocation has appropriately classified fabrication costs and general expenses.

We calculated the general expenses in two steps. First we calculated NEC's expenses incurred in Japan on the basis of their submission. Since NEC's calculation of general expenses was

based on cost of goods sold, which included these expenses, we made an adjustment to exclude them in the calculation of the percentage to be applied to material and fabrication costs. We plan to conduct an additional verification to determine if all appropriate general expenses have been included in our calculations. We will verify cost categories such as research and development and indirect selling expenses. Secondly, we estimated the general expenses incurred by Nippon Electric Company of America (NECAM) on the basis of the amount of commission paid to NECAM by NEC. Since this commission is included in the price, we determined that the selling expenses of the U.S. subsidiary are part of the corporate general expenses and, therefore, should be included in the determination of constructed value. We are developing data on these expenses from NECAM.

We determined that NEC did not maintain profit data on the basis of destination. We determined the usual profit on sales of long-range communications equipment by NEC. These sales were mostly to the home market or third countries. This profit was less than the 8 percent statutory minimum. Therefore, we calculated profit as 8 percent of the total of the cost of materials, fabrication and general expenses.

We calculated packing on the basis of actual costs.

Negative Determination of Critical Circumstances

The petition asserted that imports of high powered amplifiers from Japan present "critical circumstances." We announced in the Notice of Initiation that there was not a reasonable basis for concluding that critical circumstances exist. To rule that critical circumstances exist we must find that the case provides a reasonable basis for believing that (1) there is a history of dumping of high power amplifiers in the United States or elsewhere, or the importer knew or should have known that the exporter was selling high power amplifiers at less than fair value, and (2) there have been massive imports of high power amplifiers during a relatively short period.

The petitioner has not come forward with further evidence that there is a history of dumping or that the importer knew or should have known that the high power amplifiers were sold at less than fair value. We have not considered the question of massive imports since the first criterion has not been met.

Therefore, since the petitioner has not met the statutory requirements, we conclude that critical circumstances do not exist. Accordingly, we will not direct the U.S. Customs Service to suspend liquidations retroactively.

Verification

In accordance with section 776(a) of the Act, we verified the information submitted in the original response and relied upon in this determination. We used traditional verification procedures, including on-site inspection of the manufacturer's operations and examination of accounting records and randomly selected documents containing relevant information. We will verify any additional information relied upon before we make our final determination. This verification will include additional analysis of accounting records.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend, upon this notice's publication, the liquidation of merchandise that is subject to this investigation and that is entered into the United States for consumption or withdrawn from warehouses for consumption. Customs will require that a cash deposit, bond, or other security be posted in the amount of 16.6 percent of the f.o.b. value of such merchandise. This suspension of liquidation will remain in effect until further notice.

ITC Notification

We are making available to the U.S. International Trade Commission all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

As described in 19 CFR 353.47, we will hold a public hearing to afford interested parties an opportunity to comment orally on this preliminary determination. If requested, this hearing is scheduled to begin on January 28, 1982 at 10:00 a.m. at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

All requests for hearings must be submitted within ten days of this notice's publication to the Deputy Assistant Secretary for Import Administration, Room 3099b, at the above address. They should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by January 21, 1982. Oral presentations will be limited to the issues raised in the briefs.

Any written views should be filed in accordance with 19 CFR 353.46 at the above address, in at least ten copies, and within thirty days of this notice's publication.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

December 24, 1981.

[FR Doc. 81-37241 Filed 12-30-81; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

SN 6-281,148 Load Proportional Antibacklash Gear Drive System. Filed 7 Jul 81 by the Air Force.

SN 6-281,149 Load Proportional Antibacklash Two-Step Gear Drive System. Filed 7 Jul 81 by the Air Force.

SN 6-281,437 Gallium Arsenide-Germanium Heteroface Junction Device and Fabrication. Filed 8 Jul 81 by the Air Force.

SN 6-250,269 Remotely Operated Microtome. Filed 2 Apr 81 by Health & Human Services.

SN 954,876 Synthesis of Analogs of 3'-Phosphoadenosine 5'-Phosphosulfate (PAPS). PATENT 4,266,948 issued 5 May 81 to Health & Human Services.

SN 6-022,220 Sterility Testing Vessel. PATENT 4,271,973 issued 9 Jun 81 to Health & Human Services.

SN 6-276,764 Energy Efficient Lumber Dry Kiln Using Solar Collectors & Refrigeration System. Filed 24 Jun 81 by Dept. of Agriculture.
SN 6-227,557 Low Frequency Pulse Generator Apparatus. Filed 22 Jan 81 by the Air Force.
SN 6-227,558 Pulsed Radiation Dosimetry Apparatus. Filed 22 Jan 81 by the Air Force.
SN 6-253,454 Switching Method for Effecting Replication in Magnetic Bubble Devices. Filed 13 Apr 81 by the Air Force.
SN 6-256,373 Pulse Width Modulated Power Amplifier with Differential Connecting Line Voltage Drop Comparators. Filed 22 Apr 81 by the Air Force.
SN 6-256,881 Phase Shifter Adjustment Apparatus. Filed 24 Apr 81 by the Air Force.
SN 6-259,761 Elastomeric Seal. Filed 30 Apr 81 by the Air Force.
SN 6-263,629 Production of Negative Ions of Hydrogen Isotopes. Filed 14 May 81 by the Air Force
SN 6-265,521 Polyaromatic Ether-Keto-Sulfones Curable by Diels-Alder Cycloaddition. Filed 20 May 81 by the Air Force.
SN 6-265,719 Polyaromatic Amides Containing 1,3-Butadiene Units. Filed 20 May 81 by the Air Force.
SN 6-265,720 Polyaromatic Amides Curable by Diels-Alder Cycloaddition. Filed 20 May 81 by the Air Force.
SN 6-265,721 Polyaromatic Ether-Ketone-Sulfones Containing 1,3-Butadiene Units. Filed 20 May 81 by the Air Force.
SN 6-265,865 Current Transformer High Voltage Probe Utilizing Copper Sulfate Water Resistor. Filed 21 May 81 by the Air Force.
SN 6-267,938 An Adjustable Holder for an Optical Element on the Like. Filed 28 May 81 by the Air Force.
SN 6-270,050 Oxide Passivated Mesa Epitaxial Diodes with Int Heat Sink. Filed 3 Jun 81 by the Air Force.
SN 6-140,640 Solvent Mixture for Dissolving and Removing Epoxy Resinous Compounds. PATENT 4,278,557 issued 14 Jul 81.
SN 6-046,073 Electro-Dynamic Laser with Acoustic Absorbing Electrode. PATENT 4,278,950 issued 14 Jul 81 to the Air Force.
SN 6-023,371 Near Millimeter Wavelength Modulator and Tunable Oscillator. PATENT 4,278,953 issued 14 Jul 81 to the Air Force.
SN 6-123,612 Coupler for Feeding Extensible Transmission Line. PATENT 4,278,955 issued 14 Jul 81 to the Air Force.
SN 6-127,017 Method of Making Integrated Waveguide Cavities. PATENT 4,279,070 issued 21 Jul 81 to the Air Force.
SN 6-115,843 Metallurgical Specimen Tester. PATENT 4,279,164 issued 21 Jul 81 to the Air Force.
SN 6-006,840 Laser Gas Temperature Control and Spacial Equalizer PATENT 4,280,105 issued 21 Jul 81 to the Air Force.
SN 6-163,134 symmetrical Diphosphatetraazacyclooctatetraenes. PATENT 4,281,185 issued 28 Jul 81 to the Air Force.
SN 6-293,777 Method and Apparatus for Analyzing Supersonic Flow Fields by Laser Induced Fluorescence. Filed 18 Aug 81 by the Air Force.
SN 6-293,780 Mechanical Preload Nut Assembly. Filed 18 Aug 81 by the Air Force.
SN 6-235,488 Rudder Pedal Grip Assembly. Filed 18 Feb 81 by the Air Force.
SN 6-358,500 Method of Multivariant Intraclass Pattern Recognition. Filed 28 Apr 81 by the Air Force.
SN 6-286,817 Satellite Test Chamber with Electromagnetic Reflection and Resonance Damping for Simulating System Generated Electromagnetic Pulses. Filed 27 Jul 81 by the Air Force.
SN 6-286,818 High Energy Single Pulse Laser Calorimeter. Filed 27 Jul 81 by the Air Force.
SN 6-286,819 Acoustic Amplitude-Doppler Target Ranging System. Filed 27 Jul 81 by the Air Force.
SN 6-286,821 Method for Providing In-Situ Non-Destructive Monitoring of Semi-Conductors During Laser Annealing Process. Filed 27 Jul 81 by the Air Force.
SN 6-286,830 Acoustic Amplitude-Threshold Target Ranging System. Filed 27 Jul 81 by the Air Force.
SN 6-287,451 Simulation of An Electronic countermeasure Technique. Filed 27 Jul 81 by the Air Force.
SN 6-291,863 Two-Way Flow Valve. Filed 10 Aug 81 by the Air Force.
SN 6-289,660 RF Laser Array Driver Apparatus. Filed 3 Aug 81 by the Air Force.
SN 6-287,672 Photographic Image Quality Assessment. Filed 28 Jul 81 by the Air Force.
SN 6-291,891 Process for Producing Aromatic Heterocyclic Polymer Alloys. Filed 11 Aug 81 by the Air Force.
SN 6-293,776 Exact Involute Ply Patterns. Filed 18 Aug 81 by the Air Force.
SN 6-292,583 Poly (ICL) as an Effective Interferon Inducer. Filed 13 Aug 81 by the Department of Health and Human Services.
SN 6-288,197 Motorized Wheel Chair. Filed 29 Jul 81 by the Department of Health and Human Services.
SN 6-222,936 Four Input Coincidence Detector. Filed 6 Jan 81 by the Department of Health and Human Services.
SN 931,098 Method for Continuous Ambulatory Peritoneal Dialysis. PATENT 4,239,041 issued 16 Dec 80 to Health and Human Services.
S.N. 801,442 Preparation and Use of High Surface Area Transition Metal Catalysts. Patent 4,256,653 issued 17 Mar 81 to Interior.
S.N. 934,151 High Frequency Lighting Inverter with Constant Power Ballast. Patent 4,220,896 issued 2 Sep 80 to Interior.
S.N. 950,762 Impedance Measuring Method of and Apparatus for Detecting Escaping Leach Solution. Patent 4,253,063 issued 24 Feb 81 to Interior.
S.N. 958,594 Link-Loc Chainless Haulage System. Patent 4,254,710 issued 10 Mar 81 to Interior.
S.N. 969,047 Precision Drafting Instrument. Patent 4,222,693 issued 16 Sep 80 to Interior.
S.N. 6-027,134 Sorption of Tungsten from Alkaline Solutions. Patent 4,241,028 issued 23 Dec 80 to Interior.
S.N. 6-044,814 Ferric Leaching of Uranium Values form Lignite. Patent 4,272,491 issued 9 Jun 81 to Interior.
S.N. 6-056,151 Production of Alumina from Aluminum Nitrate Solutions. Patent 4,260,589 issued 7 Apr 81 to Interior.
S.N. 6-060,101 Method of In Situ Mining. Patent 4,249,777 issued 10 Feb 81 to Interior.
S.N. 6-060,102 Decomposition of $AlCl_3 6H_2O$ in H_2 Atmosphere. Patent 4,259,311 issued 31 Mar 81 to to Interior.
S.N. 6-066,999 Extensometer Anchor. Patent 4,242,915 issued 6 Jan 81 to Interior.
S.N. 6-081,506 Dust Controlling Method Using A Coal Cutter Bit. Patent 4,251,109 issued 17 Feb 81 to Interior.
S.N. 6-085,449 Copper Electrowinning and CR^{+6} Reduction in Spent Etchants Using Porous Fixed Bed Coke Electrodes. Patent 4,256,557 issued 17 Mar 81 to Interior.
S.N. 6-085,451 Combined Rotating Bed Scrubber and Water Eliminator. Patent 4,266,829 issued 12 May 81 to Interior.
S.N. 6-085,452 Fly Ash-Based Cement. Patent 4,256,504 issued 17 May 81 to Interior.
S.N. 6-087,852 Selective Removal of Mercury from Cyanide Solutions. Patent 4,256,707 issued 17 Mar 81 to Interior.
S.N. 6-097,756 Siliceous Adsorbent for Heavy Metals. Patent 4,256,587 issued 17 Mar 81 to Interior.
S.N. 6-104,922 Portable Airborne Droplet Impactor Sampler and Method. Patent 4,265,107 issued 5 May 81 to Interior.
S.N. 6-108,192 Recovery of Chromium From Scrap. Patent 4,259,296 issued 31 May 81 to Interior.
S.N. 6-125,408 Process for Recovering NI(II), CU(II) and CO(II) from An Ammoniacal-Ammonium Sulfate Leach Liquor. Patent 4,258,016 issued 24 Mar 81 to Interior.
S.N. 6-141,087 Leaching Agglomerated Gold-Silver Ores. Patent 4,256,705 issued 17 Mar 81 to Interior.
S.N. 6-141,088 Leaching Agglomerated Gold-Siver Ores. Patent 4,256,706 issued 17 Mar 81 to Interior.
S.N. 6-164,759 Electrowinning of Lead From H_2SiF_6 Solution. Patent 4,272,340 issued 9 Jun 81 to Interior.
S.N. 6-219,705 Capacitance Probe Sensor Device. filed 24 Dec 80 by Interior.
S.N. 6-225,238 Recovery of Arsenic From Flue Dust. Filed 15 Jan 81 by Interior.
S.N. 6-229,698 Thermally Activated Metal Hydride Sensor/Actuator. Filed 27 Jan 81 by Interior.
S.N. 6-233,422 Recovery of Platinum-Group Metals From Ores. Filed 11 Feb 81 by Interior.
S.N. 6-240,060 Apparatus and Method for Measuring Low Concentrations of High Molecular Weight Polymers in Solution. Filed 4 Mar 81 by Interior.
S.N. 6-251,404 Air Diversion and Dust Control System for Longwall Shearers. Filed 6 Apr 81 by Interior.
S.N. 6-254,317 Recovery of Arsenic From Flue Dust. Filed 15 Apr 81 by Interior.
S.N. 6-258,075 Purifying Titanium-Bearing Material. Filed 27 Apr 81 by Interior.
S.N. 6-258,076 Pressureless Consolidation of Metallic Powders. Filed 27 Apr 81 by Interior.

[FR Doc. 81-37210 Filed 12-30-81; 8:45 am]
BILLING CODE 3510-04-M

CONSUMER PRODUCT SAFETY COMMISSION

Toxicological Advisory Board; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Meeting: Toxicological Advisory Board.

SUMMARY: This notice announces a meeting of the Toxicological Advisory Board on Tueday, January 26, 1982 from 8:30 a.m. until 4:00 p.m. and Wednesday, January 27, 1982 from 8:30 a.m. until approximately 2:00 p.m. The meeting, which is open to the public, will be held in Room 456 at 5401 Westbard Avenue, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Dr. Fred Marozzi, Directorate for Health, Sciences, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492–6604.

SUPPLEMENTARY INFORMATION: The Toxicological Advisory Board is an established nine-member advisory committee which advises the Commission on Precautionary labeling for acutely toxic household substances and on instructions for first aid treatment labeling. In addition, the Board reviews labeling reuirements that have been issued under the Federal Hazardous Substances Act and recommends revisions it deems appropriate. The Toxicological Advisory Board was created on November 10, 1978, under the authority of Section 10 the 1978 CPSC Authorization Act (Pub. L 95–631). The Toxicological Advisory Board has completed its preliminary review of the CPSC labeling guidelines for hazardous household chemical substances. Preparatory to developing a final report on its review and recommendations, the Board will spend the entire two-day session reviewing all recommendations made to date. Particular emphasis will be given to correcting any inconsistencies which may exist among recommendations for similar chemicals, and to resolving unresolved issues.

The two-day meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations should notify Dr. Marozzi (see address above) by Friday, January 15, 1982. The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter, and the approximate time requested. Time permitting, these presentations and other statements from the audience to members of the Board may be allowed by the presiding officer. Requesters will be informed of the decision before the meeting.

Dated: December 23, 1981.

Sadye E. Dunn,

Secretary.

[FR Doc 81–37225 Filed 12–30–81; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Corps of Engineers; Department of the Army

Intent To Prepare Draft Environmental Impact Statement (DEIS) for Proposed Channel Improvements on Whiskey and Rock Creeks, Independence, Kans.

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action consists of channel improvement of Whiskey Creek through channel diversion, channel clearing and widening, and channel realignment to provide flood damage reduction for existing and future development.

2. Reasonable Alternatives: The alternatives evaluated include a no action plan, two channelization plans, and a flood plain acquisition plan for Whiskey Creek along the western edge of Independence, Kansas.

3. Scoping Process:

a. Public Involvement. A comprehensive public involvement program was developed as a means of disseminating information and soliciting public views. A variety of techniques including formal public meetings, meetings with local interests, and meetings with local news media were employed to involve State, Federal, and local agencies, citizen committees, organizations, and the public in the planning studies.

b. Significant Issues Requiring In-Depth Analysis. None.

c. Assignments. The U.S. Fish and Wildlife Service will provide the Fish and Wildlife Coordination Act Report.

d. Environmental Review and Consultation Requirements. The draft environmental impact statement will be circulated for review and all comments will be incorporated into the final environmental impact statement.

4. A scoping meeting will not be held.

5. Estimated date when the DEIS will be available to the public: February 1982.

ADDRESS: Mr. Buell O. Atkins, Chief, Environmental Resources Branch, U.S. Army Corps of Engineers, Tulsa District, P.O. Box 61, Tulsa, OK 74121, (918) 581–7857, FTS 736–7857.

Dated: December 21, 1981.

James J. Harmon,

Colonel, CE, District Engineer.

[FR Doc. 81–37236 Filed 12–30–81; 8:45 am]

BILLING CODE 3710–39–M

Department of the Navy

Availability of Indexes of Final Dispositions of Complaints of Wrong Submitted Pursuant to Article 138, Uniform Code of Military Justice (UCMJ), and Reports of Wrong Submitted Pursuant to Article 1106, U.S. Navy Regulations, 1973

On July 15, 1981, at 46 FR 36730, the Department of the Navy published information concerning the availability of indexes of final dispositions of Complaints of Wrong submitted pursuant to Article 138 of the Uniform Code of Military Justice (10 U.S.C. 938) and Reports of Wrong submitted pursuant to Article 1106, U.S. Navy Regulations, 1973. The following current information is provided in substitution:

Internally reproduced copies of the index are available at $8.60 per copy, the direct cost of duplication. This price is subject to change as the result of the addition of new pages in the future and/or increase in duplicating fees. At present rates each additional page will add $.10 to the price of the index. Internally reproduced copies of individual complaint files are also available at $.10 per page. Payment for requested material may be made by check or money order payable to the Treasurer of the United States.

A copy of the index and copies of final dispositions are available for public inspection and copying. An appointment for such purposes may be in writing or by telephone.

All requests and inquiries should be addressed to: Head, Military Affairs Branch, Administrative Law Division, Office of the Judge Advocate General, 200 Stovall Street, Alexandria, Virginia 22332, Telephone (202) 325–9860.

Dated: December 22, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81–37262 Filed 12–30–81; 8:45 am]

BILLING CODE 3810–AE–M

Office of the Secretary

Defense Science Board Task Force on Retention of Contractor Civilians on Critical Jobs Overseas During Hostilities; Meeting

The Defense Science Board Task Force on Retention of Contractor Civilians on Critical Jobs Overseas During Hostilities will meet in closed session on January 27, 1982 at the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the first meeting on October 21, 1981, the Task Force reviewed the extent of contractor civilians in critical jobs overseas, the resulting impact if these critical civilians were not retained during hostilities, and assessed the adequacy of existing statutes and regulations pertaining to retention of these critical civilian contractors. The next meeting on January 27, 1982 will be devoted to evaluating and refining potential recommendations.

In accordance with 5 U.S.C. App. 1 Section 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed U.S.C. Section 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

Dated: December 22, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-37255 Filed 12-30-81; 8:45 am]

BILLING CODE 3810-01-M

Privacy Act of 1974; Deletion of System Notice

AGENCY: Office of the Secretary, Defense.

ACTION: Deletion of system notice.

SUMMARY: The Office of the Secretary of Defense proposes to delete the notice for system of records: DATSD01, "Files of Personnel Evaluated for Presidential Support Duties" subject to the Privacy Act of 1974. It has been determined that the personnel data contained in this system duplicates the information contained in Privacy Act systems of records maintained by the Military Services.

DATE: This deletion shall be effective February 1, 1982.

ADDRESS: Send any comments to the System Manager identified in the system notice (44 FR 74088) December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93-579 were published in the **Federal Register.**

FR Doc. 81-897 (46 FR 6427) January 21, 1981
FR Doc. 81-5566 (46 FR 12772) February 18, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16926) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-10722 (46 FR 21228) April 9, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22632) April 20, 1981
FR Doc. 81-12892 (46 FR 23967) April 29, 1981
FR Doc. 81-13225 (46 FR 24620) May 1, 1981
FR Doc. 81-14226 (46 FR 26365) May 12, 1981
FR Doc. 81-14406 (46 FR 26676) May 14, 1981
FR Doc. 81-14909 (46 FR 27373) May 19, 1981
FR Doc. 81-14975 (46 FR 27373) May 19, 1981
FR Doc. 81-15770 (46 FR 28470) May 27, 1981
FR Doc. 81-17763 (46 FR 31306) June 15, 1981
FR Doc. 81-19042 (46 FR 33074) June 26, 1981
FR Doc. 81-20404 (46 FR 35963) July 13, 1981
FR Doc. 81-21228 (46 FR 37306) July 20, 1981
FR Doc. 81-21498 (46 FR 37751) July 22, 1981
FR Doc. 81-23482 (46 FR 40788) August 12, 1981
FR Doc. 81-25853 (46 FR 44494) September 4, 1981
FR Doc. 81-28992 (46 FR 49177) October 6, 1981
FR Doc. 81-31994 (46 FR 54791) November 4, 1981
FR Doc. 81-32109 (46 FR 54979) November 5, 1981
FR Doc. 81-32239 (46 FR 55139) November 6, 1981
FR Doc. 81-32656 (46 FR 55555) November 10, 1981
FR Doc. 81-33756 (46 FR 57339) November 23, 1981
FR Doc. 81-34463 (46 FR 58546) December 2, 1981
FR Doc. 81-34875 (46 FR 59291) December 4, 1981

Sheila Levine,

Acting OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 28, 1981.

Deletion

DATSD01

System name:

Files of Personnel Evaluated for Presidential Support Duties

Reason:

The material contained in this system is adequately covered by the parent service organizations.

[FR Doc. 81-37274 Filed 12-30-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Intent To Revise Wholesale Power Rates; Change in Date on Which Revised Rates Are To Become Effective for Certain Customers

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Change in date on which revised rates are to become effective for certain customers.

SUMMARY: By **Federal Register** Notice of October 15, 1981 (46 FR 50838), BPA indicated that it is in the initial stages of developing wholesale power rate schedules to become effective for some customers on July 1, 1982, and for other customers on July 15, 1982. BPA hereby gives notice that certain of its customers who have signed contract amendments and who were to have their rates adjusted as of July 1, 1982, and other customers whose rates were to be adjusted July 15, 1982, will instead have their rates adjusted on October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503-230-4261. Toll-free numbers for Oregon callers 800-452-8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California 800-547-6048.

Mr. George Gwinnutt, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208, 503-230-4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-345-0311.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406–755–6202.

Mr. Ronald K. Rodewald, District Manager, Suite 117, 23 South Wenatchee, Wenatchee, Washington 98801, 509–662–4377, ext. 379.

Mr. Thomas M. Noguchi, Acting Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130.

Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–524–5500, ext. 701.

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION: BPA's last wholesale power rate increase became effective on an interim basis on July 1, 1981. BPA has two sets of contracts which contain provisions allowing the adjustment of rates. The first set of contracts are those which were in existence prior to the offering of power sales contracts which, pursuant to section 5(g) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act), were offered on August 28, 1981. These "existing contracts" currently permit rate adjustments only on July 1, 1982, and each July 1 thereafter. The second set of contracts are those offered by BPA on August 28, 1981. These "new contracts" permit rate adjustments upon 9 months' notice, but no more often than once in a 12-month period.

By letter dated October 15, 1981, BPA contacted all of its customers being served under the "existing contracts," proposing an amendment to the rate adjustment section of their "existing contracts" which would allow for a rate adjustment upon the same terms and conditions as under the "new contracts." Almost all customers with "existing contracts" have notified BPA that they have signed the amendments to their "existing contracts." Customers receiving power under the "existing contracts" who return executed amendments to BPA on or before December 31, 1981, will have their wholesale power rates adjusted effective October 1, 1982. All customers being served under the "existing contracts" who have not agreed to the October 1, 1982, rate adjustment date will be subject to an adjustment of their wholesale power rates on July 1, 1982.

Customers being served under the "new contracts" which allow rate adjustments upon 9 months' notice will be subject to the proposed wholesale power rates effective October 1, 1982, rather than July 1, 1982, as previously announced (46 FR 50838).

BPA expects to have its initial proposed rates developed by late February 1982. BPA will then publish a notice of proposed rates in the **Federal Register**. That notice will also include a schedule for formal hearings as specified in the Regional Act. These hearings will give interested persons an opportunity to present both oral and written comments on the proposal.

Dated: December 22, 1981.

Earl E. Gjelde,

Deputy Administrator.

[FR Doc. 81-37286 Filed 12-30-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Navajo Refining Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a final Consent Order.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager for Enforcement, Southwest District Office Department of Energy, P.O. Box 35228, Dallas, Texas 75235, [phone] (214) 767–7745.

SUPPLEMENTARY INFORMATION: On November 5, 1981, 46 FR 54983, the Office of Enforcement of the ERA published notification in the **Federal Register** that it had executed a proposed Consent Order with Navajo Refining Company on October 8, 1981, which would not become effective sooner than thirty days after publication. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

Although interested persons were invited to submit comments regarding the proposed Consent Order, no comments were received. The proposed Consent Order, therefore, was finalized and made effective on December 31, 1981.

Issued in Dallas, Texas on the 8th day of December, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-37242 Filed 12-30-81; 8:45 am]

BILLING CODE 6450-01-M

John W. McGowan; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on Consent Order—First Notice.

SUMMARY: The Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on the refunds deposited as miscellaneous receipts of the U.S. Treasury.

DATE: Effective date is on or before February 1, 1982.

COMMENTS BY: February 1, 1982.

ADDRESS: Send written comments to: Leonard F. Bittner, Director, Atlanta Office, ERA, 1655 Peachtree Street, NE., Atlanta, Georgia 30367.

FOR FURTHER INFORMATION CONTACT: Robert H. Burch, Management Analyst, U.S. Department of Energy, 1655 Peachtree Street, NE., Atlanta, Georgia 30367.

SUPPLEMENTARY INFORMATION: On December 24, 1981, the Atlanta Office, ERA, finalized a Consent Order with John W. McGowan, a Canton, Mississippi, crude producer firm. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest becomes effective upon its execution only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order with John W. McGowan.

I. The Consent Order:

John W. McGowan, located in Canton, Mississippi, is a crude producer firm and is subject to the jurisdiction of the DOE with regard to prices charged in sales of crude oil, pursuant to 10 CFR Part 212. To resolve certain civil actions that could be brought by the DOE as a result of its audit of John W. McGowan, the ERA and John W. McGowan entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order relates to the sales of crude oil by John W. McGowan during the period September 1, 1973 through January 27, 1981.

2. From the audit conducted during the above period, ERA alleges that John W. McGowan sold crude oil at prices in

excess of the applicable lawful selling price. These alleged overcharges were due to errors in establishment of the effective date of stripper well qualification and/or errors in calculation of the maximum lawful selling price.

3. John W. McGowan agreed to immediately refund the total sum of $605,105.33, in full settlement of any and all civil liability within the jurisdiction of DOE during the audit period. The refunded total shall be paid in full to the DOE by certified check no later than 15 days from the effective date of the Consent Order. The refund shall be forwarded to Director, Atlanta Office, ERA, for deposit in the U.S. Treasury as miscellaneous receipts.

4. The provisions of 10 CFR 205.199J, including the publication of this notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges:

In the Consent Order, John W. McGowan agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the DOE, arising out of the transactions specified in I.1. and I.2. above, the sum of $605,105.33 within 15 days of the effective date of the Consent Order. Refund methodolody will be as specified in I.3. above. The amounts submitted to the Director, Atlanta Office, ERA will be in the form of a certified check made payable to the U.S. Department of Energy. The Director, Atlanta Office, ERA will forward the certified check to DOE's Support Office, SRO, for deposit in the U.S. Treasury.

III. The DOE invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order in accordance with 10 CFR 205.199J(c).

You should send your comments as specified above to Leonard F. Bittner, Director, Atlanta Office, ERA, Department of Energy, 1655 Peachtree Street, NE., Atlanta, Georgia 30367. You may obtain a copy of this Consent Order with proprietary information deleted by writing to Robert A. Burch at the same address.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on John W. McGowan Consent Order". Comments received by 4:30 p.m., local time February 1, 1982, will be considered. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Atlanta, Georgia on the 24th day of December 1981.

Leonard F. Bittner,

Director, Atlanta Office, Economic Regulatory Administration.

Concurrence:

Susan P. Tate,

Deputy Regional Counsel.

[FR Doc. 81-37297 Filed 12-30-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP82-113-000]

Consolidated Gas Supply Corp.; Application

December 30, 1981.

Take notice that on December 11, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP82-113-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 29.7 miles of 30-inch Line No. 50 and related and appurtenant facilities in Armstrong, Indiana and Jefferson Counties, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposed the construction and operation of approximately 29.7 miles of 30-inch Line No. 50 extending in a southwesterly direction from Applicant's Big Run Gas to a point on existing Line No. TL-378 near Valley Gate and looping existing 20-inch Line No. 280. The estimated cost of the proposed facilities is $22,822,700 which cost would be financed from funds on hand and from funds to be obtained from Applicant's parent corporation, Consolidated Natural Gas Company.

It is stated that the proposed extension of Line No. 50 is required to fill the northern storage pools during summer injection periods and would also enable Applicant to better maintain adequate storage inventories during unusually cold winter conditions. Moreover, the proposed facilities would enhance Applicant's ability to transport gas into its Northern Division to meet the day-to-day requirements of its northern market customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-37306 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-103-000]

MIGC, Inc.; Application

December 30, 1981.

Take notice that on December 4, 1981, MIGC, Inc. (Applicant), 10880 Wilshire Boulevard, Los Angeles, California 90024, filed in Docket No. CP 82-103-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authirizing the transportation and exchange of natural gas with Panhandle Eastern Pipe Line Company, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant and Panhandle have entered into the Powder River Basin transportation and exchange agreement and A systemwide transportation and exchange agreement both dated February 27, 1981. Such agreements, it is stated, would enable

Applicant and Panhandle to connect supplies of gas each has or might acquire in the future which are or would be located remote from the acquiring party's transmission system to the transmission system of the other party.

The Powder River Basin agreement provides for a maximum daily volume of gas to be delivered for transportation and/or exchange of 5,000 Mcf. Sources of supply under the agreement would be natural gas produced in the Powder River Basin of Wyoming. For the transportation of any imbalance volumes, it is stated that the party seeking transportation would pay a transportation charge of 5.5 cents per Mcf. It is also stated that the transporter would be reimbursed for the full cost of making the connection and installing gas measurement facilities at the point of delivery.

Applicant states that the authority requested herein is intended to include not only the specific delivery locations currently reflected in Exhibits C and D of the agreement but also the right of the parties to attach new delivery points at other locations by mutual agreement. In order to keep the Commission apprised of changes that may occur, Applicant proposes to submit each January 31 a tariff revision detailing the delivery points for all sources of gas transported and exchanged pursuant to the agreement. Applicant and Panhandle, it is asserted, expect to redeliver volumes of gas to each other through all redelivery points set forth on Exhibit E attached to the agreement or at such additonal or different redelivery points on which the parties may mutually agree.

It is explained that for gas supplies acquired by one party which are connected to the facilities of the other party on the upstream side of a compressor the amount of gas redelivered to the acquiring party would be equal to 93 percent of the quantity delivered and that for gas supplies acquired by one party connected to the facilities of the other party and not compressed, the amount of gas redelivered to the acquiring party would be equal to 99 percent of the quantity delivered by the acquiring party. It is stated that any out-of-balance condition occurring during any month would be adjusted within 60 days following the end of the month in which it occurred.

It is asserted that the systemwide agreement provdes that Panhandle and Applicant would additionally accept and redeliver gas supplies acquired by the other pipeline in areas other than the Powder River Basin of Wyoming. The agreement provides for a maximum daily volume of gas to be delivered for transportation and/or exchange of 20,000 Mcf. It is further asserted that the pipeline seeking transportation and/or exchange would reimburse the transporting party for any gathering service and would pay a transportation charge for transportation of imbalance volumes. Applicant states that gas transported and exchanged would initially be from delivery points set forth in Exhibit C of the agreement but that points may be added or deleted as supply sources vary. Applicant expects to redeliver volumes of gas to Panhandle as set forth in Exhibit C of the agreement as amended from time to time. Applicant proposes to submit each January 31 a tariff revision detailing the delivery points for all sources of gas transported and exchanged pursuant to the agreement.

It is submitted that unaccounted-for gas would be based upon the transporting party's actual systemwide experience or 0.5 percent whichever is less. The transportation rates were at the time of the agreement 24.80 cents per Mcf for Panhandle's system and 25.61 cents per million Btu for Applicant's system, it is stated. Applicant asserts that any out-of-balance condition occurring during any month would be adjusted insofar as practicable during the following month.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Taken further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-37309 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-109-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

December 30, 1981

Take notice that on December 9, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-109-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of three new delivery points and the modification of three existing delivery points to certain of its utility customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate three new delivery points for Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples) and to enlarge three existing delivery points serving Minnesota Gas Company (Minnegasco), Wisconsin Gas Company (Wisconsin Gas) and Peoples.

Applicant more specifically proposes the following:

(1) Peoples has requested a new delivery point for Robert Schoenfelder in Olmstead County, Minnesota, to provide natural gas service to be used primarily for grain drying operations.

(2) Peoples has requested a new delivery point to serve the new metal forging and treating plant of Shafer Machine Works, Inc. near Booker, Texas.

(3) Peoples has requested a new delivery point to serve the Knapp Gardens housing project near Polk City, Iowa.

(4) Minnegasco has requested modification of the Atwater, Minnesota, town border station thereby increasing

the firm load from 500 Mcf per day to 1,000 Mcf per day to provide for increased expansion and growth.

(5) Peoples has requested modification of the Ogden town border station No. 1A in order to provide service to the L. & C. Homes, Inc.

(6) Wisconsin Gas has requested modification of the Hixton, Wisconsin, town border station in order to serve the South Alma Cheese Factory, Inc.

It is asserted that the estimated cost of construction is $83,300 which cost would be reimbursed by the appropriate utilities. It is further stated that additional volumes to be delivered to the utilities through the proposed facilities are within the present entitlements of said utilities and would be delivered pursuant to the effective service agreement between Applicant and the respective utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37310 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-99-000]

Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Application

December 30, 1981.

Take notice that on December 1, 1981, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-99-000 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Central Illinois Light Company (CILCO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated September 24, 1981, Applicants propose to transport up to 1,000 Mcf of natural gas per day on an interruptible basis for CILCO. It is asserted that the gas would be received by Panhandle by displacement from CILCO at Peoria, Illinois, and that Panhandle would redeliver such gas, less 1.0 percent fuel, to Trunkline at Tuscola, Illinois. Trunkline, it is stated, would deliver equivalent volumes to Midwestern Gas Transmission Company (Midwestern) at Potomac, Illinois, and Midwestern would deliver equivalent volumes to CILCO at Oakwood, Illinois. The maximum volume of gas transported would not exceed 60,000 Mcf annually.

It is submitted that CILCO would pay Panhandle a unit charge of 3.48 cents and that Panhandle would pay Trunkline 1.0 cent per Mcf for its *pro rata* share of the transportation service.

CILCO has informed Applicants that it has excess gas supplies at the Peoria delivery point and that it has a need for additional gas at Oakwood. Applicants assert that utilization of capacity in their existing facilities is the most efficient and economical means of transporting CILCO's gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37311 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-106-000]

Southern Natural Gas Co.; Application

December 30, 1981.

Take notice that on December 7, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP82-106-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline facilities and services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon in place approximately 3,770 feet of 4-inch pipeline and appurtenances known as the upstream portion of Applicant's Tinsley Line in Yazoo County, Mississippi, and the transportation services related to that portion of the line. The producers ceased their

operations in the area, and the line and services associated therewith have not been utilized for some time.

Applicant also proposes to abandon a certain receiving station facility, approximately 890 feet of 4-inch pipeline and appurtenances located in the North Montegut Field area, Terrebonne Parish, Louisiana. These facilities were installed to receive gas sold to Applicant by Neuhoff Oil and Gas Corporation (Neuhoff), and Neuhoff has received authorization to abandon its sale to Applicant. Applicant states it would also abandon a receiving station facility and appurtenances located in the Pointe-a-la-Hache Field area, Plaquemines Parish, Louisiana, which was constructed to receive gas sold by Davis Oil Company, *et al.* (Davis). It is stated that by letter dated November 20, 1979, Davis gave written notice of its intent to plug and abandon the well.

In addition Applicant proposes to abandon approximately 1,500 feet of 10-inch pipeline and appurtenances located in the vicinity of the Bienville, Louisiana, Compressor Station on its 14-inch Logansport Line. The transportation service which was effected by those facilities was not required after April 1, 1981.

Finally, Applicant proposes to abandon a receiving station, approximately 0.8 mile of 4-inch pipeline facilities and appurtenances located in the Cranfield Field area, Adams County, Mississippi, which facilities were constructed to receive gas sold to Applicant by ADCO Producing Company, *et al.* (ADCO). It is stated that by letter dated August 17, 1981, ADCO gave written notice to Applicant of its abandonment of the well.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37312 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-100-000]

Texas Gas Transmission Corp.; Application

December 30, 1981.

Take notice that on December 1, 1981, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP82-100-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a metering station located in Logan County, Kentucky, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the construction and operation of a metering station located at approximately m.p. 68 + 599 on its Elkton-Mitchellville 10-inch pipeline in Logan County at an estimated cost of $95,065. Western Kentucky Gas Company (Western) has agreed to reimburse Applicant for such costs.

It is stated that Western would construct 43,200 feet of 6-inch pipeline to provide natural gas service to Anaconda Aluminum Company's a division of the Anaconda Company (Anaconda) aluminum rolling mill which is under construction in Logan County. Western's proposed 6-inch line, it is stated, would extend from the plant site to a point of intersection with Applicant's 10-inch Elkton-Mitchellville line where the proposed sales meter station would be constructed by Applicant. It is asserted that the natural gas to be sold to Anaconda by Western would be used primarily in the aluminum melting and holding furnaces and in aluminum process furnaces in which aluminum ingot and sheet is thermally processed for metallurgical treatment.

It is stated that service by Western to Anaconda would be on an interruptible basis. The construction of the proposed sales meter station would not result in an increase in Western's existing contract demand or quantity entitlement.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37313 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-108-000]

Transcontinental Gas Pipe Line Corp.; Application

December 30, 1981.

Take notice that on December 8, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-108-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term transportation of natural gas for Elizabethtown Gas Company (Elizabethtown), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to transport for Elizabethtown up to 26,000 dekatherms (dt) equivalent of natural gas per day which Elizabethtown has available to it from the exploration and development activites of affiliated companies in Genesee County, New York. It is stated that Elizabethtown would arrange to have 21,000 dt equivalent per day made available to Consolidated Gas Supply Corporation (Consolidated) which Consolidated would deliver to Applicant at Leidy, Clinton County, Pennsylvania. It is further stated that Elizabethtown would arrange to have the remaining 5,000 dt equivalent delivered to National Fuel Gas Supply Corporation (National Fuel) and National Fuel would make equivalent quantities available to Applicant at an existing interconnection at the Wharton Storage Field, Potter County, Pennsylvania. Equivalent quantities less quantities retained for compressor fuel and line loss make-up would be delivered by Applicant to Elizabethtown at existing points of delivery between the two companies.

The proposed interruptible transportation service is to be for a term beginning on the date of initial deliveries hereunder and ending on January 3, 1984.

It is stated that Elizabethtown would initially pay 7.0 cents per dt equivalent during the months of November through March and 3.5 cents per dt equivalent during the months of April through October for the subject service. Applicant asserts it would initially retain 0.7 percent per dt equivalent for compressor fuel and line loss make-up during the months of November through March.

It is asserted that the subject gas would assist Elizabethtown in meeting the requirements of its high-priority customers and in returning gas to storage during the summers of 1982 and 1983 for use by its high-priority customers during the following winters.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37314 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Volume No. 58]

Availability of Federal Power Commission Reports

Notice is hereby given that Volume No. 58 of the *Federal Power Commission Reports* is available for purchase at the United States Government Printing Office Bookstore. These volumes contain Federal Power Commission (Federal Energy Regulatory Commission's predecessor) opinions, orders, and precedential procedural orders.

Persons interested in purchasing Volume 58 covering the period April 1 through June 30, 1977, may remit $33.00 for GPO Stock #061-002-000-75-8 to the following address:

Superintendent of Documents, United States Government Printing Office, Washington, DC 20402.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37345 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4893-000]

City of Redding, California; Application for Preliminary Permit

December 28, 1981.

Take notice that City of Redding, California (Applicant) filed on June 4, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 4893 to be known as the Shasta Dam Power Project located on Sacramento River near the City of Redding on United States lands managed by Department of Interior in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. Brickwood, City Manager, City of Redding, 760 Parkview Avenue, Redding, California, 96001.

Project Description—The proposed project would consist of uprating the windings of units 3, 4, and 5 of the existing Shasta Dam Powerplant, owned and operated by the Bureau of Reclamation of the U.S. Department of Interior, which would increase the total installed capacity from 508.75 NW to 750 NW.

The Applicant estimates that with the proposed project the annual energy output from the powerplant would be 1200 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, economic, and environmental studies; and prepare an FERC license application. The Applicant estimates that these studies would cost $100,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 2, 1982, the competing application itself, or a notice of intent to file such an

application (see: 18 CFR 4.30 et seq. (1981))

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 2, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 2, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each respresentative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37316 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5051.000]

City of Yakima, Washington; Application for Preliminary Permit

December 23, 1981.

Take notice that the City of Yakima, Washington (Applicant) filed on June 26, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 5051 to be known as the Rattlesnake Creek Dam Hydroelectric Project located on Rattlesnake Creek within the Snoqualmie National Forest in Yakima County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard A. Zais, Jr., City Manager, City of Yakima, 129 North 2nd Street, Yakima, Washington 98901.

Project Description—The proposed project would consist of: (1) a 315-foot high and 1150-foot long dam; (2) a reservoir with a surface area of 666 acres and a storage of 70,000 acre-feet; (3) a 1300-foot long, 84-inch diameter steel penstock; (4) a powerhouse with a total installed capacity of 7,800 kW; and (5) a 21-mile long, 34.5-kV transmission line interconnecting with the Naches substation owned and operated by the Pacific Power and Light Company.

The Applicant estimates that the average annual energy output would be 14 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a duration of 36 months during which, it would conduct technical, environmental, economic and financial studies; and prepare an FERC license application. The cost of conducting these studies is estimated by the Applicant to be $230,000.

Competing Applications—This application was filed as a competing application to the Sunnyside Irrigation Disrtict's applications for Projects Nos. 4605 and 4606 filed on April 28, 1981. Public notices of the filings of the intital applications, which have already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) if an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before January 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secreatry, 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, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37317 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5044-000]

Graniteville Co.; Application for License (5 MW or Less)

December 23, 1981.

Take notice that Graniteville Company (Applicant) filed on June 30, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for continued operation of the constructed Sibley Mill Project No. 5044. The project is to be located on the Augusta Canal of the Savannah River in the City of Augusta, Richmond County, Georgia. Correspondence with the Applicant should be directed to: Mr. George S. Pardue, Asst. Vice President, Plant Services, Graniteville Company, Graniteville, South Carolina 29829.

Project Description—The Sibley Mill project consists of: (1) Intake works, consisting of four steel gates and a concrete headrace; (2) three hydroelectric generating units, with capacities of 750 kW, 875 kW and 1,000 kW, respectively, housed in the Sibley Mill Structure; and (3) appurtenant facilities. The estimated average annual generation is 13 million kWh.

Purpose of Project—To supplement power to the mill, which is otherwise purchased from Georgia Power Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 1, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d)) or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37318 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3155-001]

John M. Jordan; Application for Short-Form License (Minor)

December 28, 1981.

Take notice that John M. Jordan (Applicant) filed on September 30, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for construction and operation of a run-of-river water power project to be known as the Carbonton Dam Hydropower Project No. 3155. The project would be located on the Deep River in the town of Carbonton in Lee County, North Carolina. Correspondence with the Applicant should be directed to: Mr. John M. Jordan, P.O. Box 128, Saxapahaw, North Carolina 27340.

Project Description—The (proposed) project would consist of: (1) An existing stone masonry dam 211 feet long and 18 feet high; (2) an existing reservoir with a surface area of 116 acres and with insignificant storage capacity; (3) proposed installation in the existing powerhouse of two turbine and generator units with a total installed capacity of 1 MW; (4) proposed transmission line less than 200 yards long; and (5) appurtenant facilities. The average annual generation is estimated to be 3.88 GWh. This application is filed pursuant to a preliminary permit held by Mr. Jordan for the Carbonton Dam hydropower project.

Purpose of Project—All project energy produced will be sold to Carolina Power and light Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 2, 1982, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an intersted person to file the competing application no later than July 2, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the

Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or befored March 2, 1982. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37318 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3156-001]

John M. Jordan; Application for Short-Form License (Minor)

December 28, 1981.

Take notice that John M. Jordan (Applicant) filed on September 30, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for construction and operation of a run-of-river water power project to be known as the Worthville Dam Hydropower Project No. 3156. The project would be located on the Deep River in the Town of Worthville in Randolph County, North Carolina. Correspondence with the Applicant should be directed to: Mr. John M. Jordan, P.O. Box 128, Saxapahaw, North Carolina 27340.

Project Description—The (proposed) project would consist of: (1) An existing stone masonry dam 230 feet long and 20 feet high; (2) an existing reservoir with a surface area of 105 acres and with insignificant storage capacity; (3) proposed installation of a 280 kW generator and turbine in the existing powerhouse; (4) proposed transmission line less than 200 yards long; and (5) appurtenant facilities. The average annual generation is estimated to be 0.84 GWh. This application is filed pursuant to a preliminary permit held by Mr. Jordan for the Worthville Dam hydropower project.

Purpose of Project—All project energy produced will be sold to Carolina Power and Light Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 2, 1982, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 2, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate actin to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be filed on or before March 2, 1982. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37320 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3202-001]

John M. Jordan; Application for Short-Form License (Minor)

December 28, 1981.

Take notice that John M. Jordan (Applicant) filed on August 3, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for the construction and operation of a run-of-river water power project to be known as the Avalon Dam Project No. 3202. The project would be located on the Mayo River near the town of Mayodan, Rockingham County, North Carolina. Correspondence with the Applicant should be directed to: Mr. John M. Jordan, P.O. Box 128, Saxapahaw, North Carolina 27340.

Project Description—The proposed project would consist of: (1) An existing reservoir with a surface area of 340 acres and a storage capacity of 2,500 acre-feet; (2) an existing dam with an arch-shaped overflow section approximately 200 feet long and 20 feet high, a non-flow section approximately 56 feet long and 30 feet high, and an abutment section near the middle of the dam approximately 20 feet long and 30 feet high; (3) a proposed 600 kW capacity turbine and generator unit to be installed immediately below and with an intake hole through the non-flow section of the dam and with a discharge tube that exists through a hole in a canal wall below the dam; (4) a proposed transmission line approximately one-quarter mile in length; and (5) appurtenant facilities. The average annual generation will be approximately 3.3 GWh. This application is filed pursuant to a preliminary permit held by Mr. Jordon for the Avalon Dam hydropower project.

Purpose of Project—All project energy produced will be sold to the Duke Power Company by the applicant.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable

statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 2, 1982, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than the time specified in 4.33(c). A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before March 2, 1982. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37321 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4844-001]

Modesto Irrigation District; Application for Preliminary Permit

December 28, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 5, 1981 an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 792(a)-825(r)) for Project No. 4844-001 to be known as the Campbell Creek Project located on Campbell Creek on land within Six Rivers National in Humbolt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, P.O. Box 4060, Modesto, California 95350.

Project Description—The proposed project would consist of: (1) A 5-foot high, 60-foot long diversion structure; (2) a 30-inch diameter, 1,050 long penstock; (3) a powerhouse containing a single generating unit with a capacity of 1500 kW, and (4) a 0.5 mile long, 12-kV transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. Applicant estimates that the annual average energy production would be 15 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the U.S. Forest Service and other Federal, State and local agencies, preparing a license application and conducting final field surveys is estimated by the Applicant to be $45,000.

Competing Applications—This application was filed as a competing application to Consolidated Hydroelectric, Inc.'s application for Project No. 4260-000 filed on February 26, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE." as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37322 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5726-000]

Modesto Irrigation District; Application for Preliminary Permit

December 23, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on December 4, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5726 to be known as the Buchanan Dam Hydroelectric Project located at the Corps of Engineers' (Corps) Buchanan Dam on Chowchilla River near the town of Madera in Madera County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District,

1231 #11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of a powerhouse containing generating units with a combined rated capacity of 3,000 kW, a transmission line connecting the powerhouse to the existing Pacific Gas and Electric Company's 12-kV line downstream of the powerhouse, and appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would conduct engineering, environmental, and economic feasibility studies as well as prepare an application for an FERC license. No new roads would be required to conduct these studies. The estimated cost for conducting these studies and preparing an application for an FERC license is $25,000.

Competing Applications—This application was filed as a competing application to Energenics Systems, Inc.'s application for Project No. 5587 filed on October 30, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37323 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5727-000]

Modesto Irrigation District; Application for Preliminary Permit

December 23, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on December 4, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 5727 to be known as the Hidden Dam Hydroelectric Project located at the existing outlet of the Corps of Engineers' (Corps) Hidden Dam on Fresno River near the town of Madera in Madera County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of a powerhouse containing generating units with a total rated capacity of 2,000 kW, a transmission line connecting the powerhouse to the existing Pacific Gas and Electric Company's 12-kV line downstream of the powerhouse, and appurtenant facilities.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Corps and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $25,000.

Competing Applications—This application was filed as a competing application to Energenics Systems, Inc.'s application for Project No. 5589 filed on October 30, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory

Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37324 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5681-000]

Puget Sound Power and Light Co.; Application for Preliminary Permit

December 23, 1981.

Take notice that Puget Sound Power and Light Company (Applicant) filed on November 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5681 to be known as the Twin Falls Project located on South Fork Snoqualmie River, in King County, near North Bend, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Puget Sound Power and Light Company, Puget Power Building, Bellevue, Washington 98009, with a copy to: Mr. F. T. Thomsen, Perkins, Coie, Stone, Olsen & Williams, 1900 Washington Building, Seattle, Washington 98101.

Project Description—The proposed project would consist of: (1) A 12-foot high concrete gravity diversion dam; (2) a 3,900-foot long steel penstock; (3) a powerhouse to contain two Pelton-type, turbine-generating units with a total rated capacity of 19.2 NW; and (4) a 0.81-mile long transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 24-month preliminary permit to study the feasibility of constructing and operating the project. Geotechnical test borings will be taken during the study period at the dam and powerhouse site via existing or a new one-mile long access road.

Competing Application—This application was filed as a competing application to Jay Botkin and Associates' application for Project No. 4885 filed on June 17, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTESTS," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the 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, 825 North Capital Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37325 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5298-000]

Small Scale Hydropower; Application for Preliminary Permit

December 23, 1981.

Take notice that Small Scale Hydropower (Applicant) filed on August 31, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5298 to be known as the North Fork of the Clackamas Water Power Project located on North Fork of the Clackamas River, near Estacada, within the lands of Mt. Hood National Forest, in Clackamas County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. M. Baker, Small Scale Hydropower, Suite 1211, Oregon Bank Building, Portland, Oregon 97204.

Project Description—The proposed project would consist of: (1) A 6-foot high, 45-foot long concrete diversion structure; (2) an 8,000-foot long canal; (3) a 350-foot long, 72-inch diameter penstock; (4) a powerhouse with total capacity of 4,250 kW; (5) a 0.5-mile long, 115-kV transmission line from the powerhouse to an existing Portland General Electric transmission line. The Applicant estimates that the average annual energy production would be 19 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be required for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $160,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 1, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981)).

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before March 1, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be

filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than April 30, 1982.

Agency Comments—Federal, State, and local agenies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37326 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 4337-000 and 4337-001]

Swift River Co. and EHC Hydro Associates; Surrender of Preliminary Permit and Application for Exemption for Small Hydroelectric Power Project Under 5 mW Capacity

December 28, 1981.

Take notice that on November 23, 1981, Swift River Company and EHC Hydro Associates (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 4337-001 would be located on Contoocook River in the Village of West Hopkinton, Merrimack County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. Peter B. Clark, President, EHC Hydro Associates, 148 State Street, Boston, Massachusetts 021109.

Project Description—The proposed project would consist of: (1) An existing 14-foot high, 350-foot long rock-filled timber crib dam with reinforced concrete facing upstream and a partial concrete cap along with 3-foot high flashboards; (2) an existing 2 acre impoundment with a gross storage capacity of 20 acre-feet at elevation 380.0 feet m.s.l.; (3) an existing canal inlet structure; (4) an existing 400-foot long, 11-foot deep, 34-foot wide earth lined canal to be reconditioned; (5) two existing, 7-foot diameter, 200-foot long wood stave penstocks and one new 200-foot long, 12-foot square concrete penstock; (6) an existing powerhouse containing two turbine-generators with a total rated capacity of 500 kW and a new addition containing a single 500 kW turbine generator; (7) an existing 500-foot long tailrace channel to be excavated to pass the additional flow from the new turbine-generator; (8) a 30-foot long transmission line; and (9) appurtenant facilities. Energy produced at the project would be sold to New Hampshire Public Service Company.

Surrender of Preliminary Permit—Swift River Company, Permittee for the project, has also filed a request to surrender its preliminary permit issued June 22, 1981, as FERC No. 4337-000. The request to surrender the preliminary permit was made in order to avoid a conflict with the above-mentioned exemption application. EHC is the predecessor to Swift River Company by contractual arrangement. The surrender is effective as of the date of this notice.

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 New Hampshire Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days for the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 1(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 1(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to

take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST,', or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37327 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4947-000]

Truckee-Carson Irrigation District; Application for Preliminary Permit

December 23, 1981.

Take notice that Truckee-Carson Irrigation District (Applicant) filed on June 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4947 to be known as the Lahontan Dam and V Canal Power Plants located on Carson River, in Churchill County, near Fallon, Nevada. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard S. Lattin, Project Manager, Truckee-Carson Irrigation District, P.O. Box 1356, Fallon, Nevada 98406, with a copy to: Mr. Christopher D. Williams, McCarty, Noon & Williams, 490 L'Enfant Plaza East, Suite 3306, Washington, D.C. 20024.

Project Description—The proposed project would consist of: (1) Installing a new 1.84–MW unit in the existing U.S. Bureau of Reclamation's (USBR) 2.4–MW Power Plant at the base of Lahontan Dam; (2) installing a new 0.5–MW unit in the existing Applicant's 1.0–MW V Canal Power Plant located downstream from the Lahontan Dam; and (3) appurtnant facilities. The project would be located on lands administered by USBR.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to study the feasibility of constructing and operating the proposed project. No new road would be required to conduct the studies.

Competing Applications—This application was filed as a competing application to Energenics Systems, Inc.'s application for Project No. 3789 filed on November 28, 1980. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 28, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37328 Filed 12-30-81; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL 2019-6]

Availability of Environmental Impact Statements Filed

Responsible Agency: Office of Federal Activities, EPA.

Information Contact: Ms. Kathi Wilson (202) 245–3006.

EIS's Filed: December 21–24, 1981.

Comment Due Dates: Drafts—February 15, 1982; Finals—February 1, 1982.

Corps of Engineers (COE):Draft Supplement—I–70 Construction in Glenwood Canyon, Garfield County, Colorado (EPA EIS #811032)

COE:Final—Colorado River Diversion into Matagorda Bay, Matagorda County, Texas (EPA EIS #811028)

COE:Final—Port of Kalama Marine Industrial Park, Permit, Columbia, Cowlitz and Clark Counties, Washington (EPA EIS #811035)

DOI:Bureau of Land Managment (BLM):Final—Powder River Coal Development Leasing, Montana and Wyoming (EPA EIS #811033)

DOI:BLM:Final—La Sal Shale Oil Pipeline, Colorado and Wyoming (EPA EIS #811034)

DOI:Bureau of Reclamation:Report—O'Neill Unit Lower Niobrara Division, Pick-Sloan Missouri Basin Program, Nebraska; this report is being issued as an appendix to final EIS #725367 (EPA EIS #811038)

DOT:Federal Highway Administration (FHWA):Draft—Spring/Sandusky Interchange Area Improvements, I–670 and OH–315, Franklin County, Ohio; EXTENDED REVIEW 2/22/82 (EPA EIS #811031)

DOT:FHWA:Final—MD–223 Improvement, MD–5 to MD–4, Prince George's County, Maryland (EPA EIS #811029)
Department of Housing and Urban Development (HUD):Final—Atlanta Suburbia Estates, Mortgage Insurance, Rockdale and Newton Counties, Georgia (EPA EIS #811027)
HUD:104H:Draft—Rio Nuero Redevelopment Project, CDBG, Pima County, Arizona (EPA EIS #811036)
HUD:104H:Draft—Carroll Creek Flood Control and Adjacent Park Improvement, CDBG, Frederick County, Maryland; EXTENDED REVIEW 2/22/82 (EPA EIS #811037)
USDA:Soil Conservation Service:Draft—Llagas Creek Watershed Flood Control Project, Santa Clara County, California; EXTENDED REVIEW 2/18/82 (EPA EIS #811030)
*Correction:*DOI:BLM:Draft—Diapir Field OCS Oil and Gas Lease Sale #71, Alaska—published FR 12/24/81—published with erroneous time extension—review will terminate 2/12/81 (EPA EIS #811024)
*Extended Review:*Department of Energy:Draft—Northeastern Regional Powerplant Conversion—DUE 2/5/82 (EPA EIS #810090)

Dated: December 28, 1981.

Mr. Louis Cordia,

Acting Director, Office of Federal Activities.

[FR Doc. 81-37298 Filed 12-30-81; 8:45 am]

BILLING CODE 6560-37-M

GENERAL SERVICES ADMINISTRATION

Recordkeeping Requirements

AGENCY: General Services Administration.

ACTION: Notice of recordkeeping requirements.

SUMMARY: This notice lists the GSA regulations that prescribe recordkeeping requirements and information collection requests that affect the public. Under the Paperwork Reduction Act of 1980, the Office of Management and Budget (OMB) is responsible for approving all of these actions and assigning a control number to them. By publishing this list, GSA intends to clarify the actions that have been approved by OMB and those that have been or will be submitted for approval.

FOR FURTHER INFORMATION CONTACT: Jack Gilmore (202–566–1164).

SUPPLEMENTARY INFORMATION: The term "information collection" (abbreviated IC in this document) refers to a request by GSA for data that must be sent to GSA. The term "recordkeeping requirement" (abbreviated RR) refers to a GAS request for information that must be maintained and made available for inspection by GSA upon request, but the information need not necessarily be sent to GSA. For example, an IC request could require companies that wish to move freight for GSA to submit certain information before GSA will conduct business with those companies. In contrast, an RR might require a company doing business with GSA to maintain certain data, but those data are not required to be sent to GSA.

Information collections and/or recordkeeping requirements contained in the following regulations or GSA directives have been approved by the Office of Management and Budget under provisions of 44 U.S.C. Chapter 35 and have been assigned the OMB control number indicated:

Directive or regulation	Type of action	Form No.	IC/RR title	OMB approval No.
41 CFR 101-46.201	IC	GSA 18	Application of Eleemosynary Institution	3090-0001
41 CFR 101-45.3	IC	Standard Forms (SF) 114A, B,E, and F.	Sale of Government Property Forms	3090-0003
41 CFR 5A-73.210-1	IC	GSA 72	Contractor's Report of Orders Received	3090-0004
41 CFR 1-16.801	IC	SF 28	Affidavit of Individual Surety	3090-0005
ADM 5440.154 (E.O. 10450)	IC	GSA 176	Statement of Personal History	3090-0006
OAD P 3000.2 41 CFR 1-1.1202(a)	IC	GSA 527	Contractor's Qualifications and Financial Information	3090-0007
OAD P 3000.2 41 CFR 1-1.1202(a)	IC	GSA 534	Statement of Financial Information	3090-0008
41 CFR 1-16.802	IC	SF 129	Bidder's Mailing List Application	3090-0009
ADM P 2800.1	IC	GSA 1171	Application for Presenting New or Improved Articles	3090-0010
PBS P 1000.5	IC	GSA 1195	Application for Placement on GSA Register of Available Real Estate Appraisers.	3090-0011
41 CFR Part 101-45	IC	GSA 1399	Qualification Application for Auctioneer Organization	3090-0013
41 CFR 101-44.110	IC	SF 123	Transfer Order Surplus Personal Property	3090-0014
Title II, Federal Property and Administrative Services.	IC	Optional Form (OF) 59	Contract Pricing Proposal	3090-0015
Act of 1949, as amended (40 U.S.C. 481) and Pub. L. 87-653.	IC	OF 60	Contract Pricing Proposal (Research and Development)	3090-0016
Title II, 40 U.S.C. 481; Armed Services Procurement Act (10 U.S.C. 2306(b)); and 41 U.S.C. 256(a).	IC	SF 119	Contractor's Statement of Contingent and Other Fees	3090-0017
29 CFR Parts 5 and 6; 41 CFR 5B-12. 18705-1(b); DOL Investigation and Enforcement Manual, March 1952; and 41 CFR 1-18.705-1(a).	IC	GSA 3017	Labor Standards Interview	3090-0019
41 CFR 5B-12.18705-3 and 41 CFR 1-18.705-3.	IC	GSA 2428	Requests for Authorization of Additional Classification(s), Rate(s), and Fringe Benefits.	3090-0020
41 CFR Part 1-20	RR	GSA 2817	Profit and Loss Statement—Operating Statement	3090-0021
FSS P 4055.9	IC	GSA 2170	Surplus Personal Property Mailing List Application	3090-0023
41 CFR 5A-72.209 and 5A-7.103-52	IC	GSA 1678	Status Report of Orders and Shipments	3090-0027
41 CFR 1-16.803 and 40 U.S.C. 205(c)	IC	SF 254	Architect-Engineer and Related Services Questionnaire	3090-0028
41 CFR 1-16.803 and 40 U.S.C. 205(c)	IC	SF 255	Architect-Engineer and Related Services Questionnaire for Specific Projects.	3090-0029
41 CFR Part 101-11	RR	SF 136	Annual Summary of Records Holdings	3090-0031
41 CFR 101-38.802	RR/IC	SF 94	Statement of Witness for Government Auto Accident	3090-0033
41 CFR 101-44.4701	IC	GSA 3040	State Agency Monthly Donation Report of Surplus Personal Property.	3090-0034
41 CFR 1-16.802 and 41 CFR 5A-76.306 (a)(2)	IC	GSA 3038	Bidder's Mailing List Application Code Sheet	3090-0035
41 CFR 101-40.306-1	IC	OF 280	Uniform Tender of Rates and/or Charges for Transportation Services.	3090-0038
FSS P 2900.4	IC	GSA 1611	Application for Shipping Instructions and Notice of Availability	3090-0040
OMB Circular A-118 and Appendix to 41 CFR Chapter 101, Subchapter D (FPMR Temp. Reg. D-65).	IC	GSA 3357	Appraisal of Fair Annual Parking per Space for SLUC	3090-0043
Appendix to 41 CFR Chapter 1	RR/IC	SF 294	Federal Agency Individual Subcontracting Report for Individual Contracts.	3090-0052
(FPR Temporary Regulation 50)	RR/IC	SF 295	Federal Agency Quarterly Summary Subcontracting Report	3090-0053
40 U.S.C. 481 and 41 CFR 101-37.2	IC	GSA 2936 A thru D	Communications Management Information System (C/MIS)	3090-0054
41 CFR Part 101-45	IC	SF 150	Deposit Bond Individual Invitation—Sale of Personal Property	3090-0057
41 CFR Part 101-45	IC	SF 151	Deposit Bond Annual Sale of Government Personal Property	3090-0058

Directive or regulation	Type of action	Form No.	IC/RR title	OMB approval No.
41 CFR 1-14.2	IC	GSA 3430	Building Service Contractor Work Report	3090-0060

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in the following regulations or GSA directives have been or will be submitted for approval to the Office of Management and Budget. They are not effective until OMB approval has been obtained.

Directive or regulation	Type of action	Form No.	IC/RR title
41 CFR 1-1.805-3(b)	RR	N/A	Labor Surplus Area Subcontracting Area.
41 CFR 1-3.814-2	RR	N/A	Price Negotiation (Audit and Records).
41 CFR 1-3.1220-9	RR	N/A	Depreciation of Tangible Capital Assets.
41 CFR 1-7.103-3	RR	N/A	Fixed-Price Supply Contracts.
41 CFR 1-7.302-4	RR	N/A	Fixed-Price Research and Development Contracts Inspection.
41 CFR 1-8.701	RR	N/A	Termination Clause for Fixed-Price Contracts.
41 CFR 1-8.703	RR	N/A	Termination Clause for Fixed-Price Construction Contracts.
41 CFR 1-8.706	RR	N/A	Subcontract Termination Clause.
41 CFR 1-17.206(e)	RR	N/A	Requests for Contractual Adjustments.
Appendix to 41 CFR Chapter 1 (FPR Temporary Regulation 39).	IC	N/A	Listing of Employment Openings.
Appendix to 41 CFR Chapter 1 (FPR Temporary Regulation 54).	RR/IC	N/A	Women's Business Enterprise Program.
41 CFR 101-40.205	IC	GSA 3080	Household Goods Shipment Report.
41 CFR 101-40.702-3	IC	SF 363	Discrepancy in Shipment Confirmation.
41 CFR 101-40.710	IC	SF 362	U.S. Government Freight Loss/Damage Claim.
41 CFR 101-40.702-3	IC	SF 361	Discrepancy in Shipment Report.
PBS P 5900.2	IC	GSA 1896	Request for and Report of Medical Examination.
41 CFR 1-12.9 and 41 CFR 5B-16.875	RR	GSA 2166	Service Contract Act of 1965.
41 CFR 5B-16.875	RR	GSA 1468	General Provisions (Contract for Building Services).
41 CFR 5B-16.875	IC	GSA 1467	Solicitation Offer and Award (Contract for Building Services).
41 CFR 5B-16.875	IC	GSA 1467A	Solicitation Instructions and Conditions.
41 CFR 5B-7.602-70	IC	GSA 2419	Certification of Payment to Subcontractors and Suppliers.
41 CFR 5B-16.871	IC	GSA 1137	Request Proposal and Acceptance Governing Construction Contract Modification.
41 CFR 5B-2.203, 41 CFR 1-18.202, and PBS P 3420.2.	IC	GSA 2056	Pre-Invitation Notice, Construction Contract.
41 CFR 5B-16.871(e)	IC	GSA 2417	Notice to Proceed.
41 CFR 1-7.602-7, 41 CFR 5B-16.871(c), and PBS P 3420.2.	IC	GSA 1142	Release of Claims.
29 CFR 5.5 and 5.6	IC	GSA 1995	Return of Payroll Document for Correction.
41 CFR 1-16.201	IC	SF 18	Request for Quotations.
41 CFR 1-16.401	IC/RR	SF 19B	Representations and Certifications (Construction and Architect-Engineer Contract).
41 CFR 1-16.101	IC/RR	SF 33, 33A	Solicitation, Offer, and Award (Solicitation Instructions and Conditions).
Federal Property and Administrative Services Act of 1949 (FPASA), as amended (63 Stat. 377).	IC	GSA 54	Description of Property for Possible Leasing to the Federal Government.
FPASA	IC	GSA 1217	Lessor's Annual Cost Statement.
FPASA	IC	GSA 1364	Proposal to Lease Space.
FPASA and 41 CFR 1-16.6	RR	SF 2, 2A, and 2B	U.S. Government Lease for Real Property.

Dated: December 28, 1981.

William A. Clinkscales, Jr.,

Director of Oversight, General Services Administration.

[FR Doc. 81-37315 Filed 12-30-81; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

1981 Annual Report; Availability of Filing; Safety and Occupational Health Study Section

Notice is hereby given that pursuant to Section 13 of Pub. L. 92-463 (5 U.S.C. Appendix I), the fiscal year 1981 annual report for the following Federal advisory committee utilized by the Centers for Disease Control has been filed with the Library of Congress:

Safety and Occupational Health Study Section.

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, D.C. (telephone: 202/287-6310). Additionally, on weekdays between 9:00 a.m. and 4:30 p.m. copies will be available for inspection at the Department of Health and Human Services, Department Library, HHS North Building, Room 1436, 300 Independence Avenue, SW., Washington, D.C. (telephone: 202/245-6791).

Dated: December 18, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-37206 Filed 12-30-81; 8:45 am]

BILLING CODE 4110-86-M

Immunization Practices Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: January 20-21, 1982.

Place: Auditorium A, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Time: 8:15 a.m.

Type of Meeting: Open.

Contact Person: J. Michael Lane, M.D., Acting Executive Secretary of Committee, Building 1, Room 3007, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333, Telephones: FTS: 236-3771, Commercial: 404/329-3771.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents.

Agenda: The Committee will continue discussions of the recommendations for the use of hepatitis B vaccine; review the current influenza activity, including strains, vaccine production, status of Guillain-Barre studies, Reye syndrome, and a draft vaccine use recommendation; and consider other matters of relevancy among the Committee's objectives.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: December 22, 1981.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 81-37207 Filed 12-30-81; 8:45 am]

BILLING CODE 4110-86-M

Food and Drug Administration

Consumer Participation; Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming National Consumer Exchange Meeting to be chaired by the Commissioner of Food and Drugs.

DATE: The meeting will be held at 3:30 p.m., Monday, January 11, 1982.

ADDRESS: The meeting will be held at the Hubert H. Humphrey Bldg. Auditorium, 200 Independence Ave. SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Alexander Grant, Associate Commissioner for Consumer Affairs (HFE-1), Food and Drug Administration, 5600 Fishers Lane, Rm. 16-85, Rockville, MD 20857, 301-443-5006.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to exchange information between FDA officials and consumer representatives, by providing an opportunity for consumer representatives to present their views directly to the Commissioner and to the top managers of FDA, by seeking solutions to any problems agreed on during this communication, and by giving the agency an opportunity to discuss and communicate vital health and policy issues to the concerned public. Proposed discussion at the meeting will focus on the issues of standards policy for class II medical devices and the Patient Package Insert (PPI) program for prescription drugs.

Dated: December 29, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-37375 Filed 12-29-81; 12:52 pm]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicare Program; Solicitation of Comments Related to a Study of Methods for Improving Coverage of Foot Care Services

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General Notice.

SUMMARY: Present Medicare law specifically excludes coverage of routine foot care. Section 958 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499) requires that we conduct a study of the effects of this exclusion and of alternative approaches to improving coverage for specific types of foot conditions. We will submit recommendations concerning coverage changes to Congress, based on the results of the study.

This notice invites organizations and parties concerned with these services to submit material for consideration in the study.

DATES: To assure consideration, comments should be mailed by January 29, 1982.

ADDRESS: Address comments concerning the study: Alice M. Litwinowicz, Office of Research and Demonstrations, Health Care Financing Administration, Room 4439G Health and Human Services Building North, 330 Independence Avenue, SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Alice M. Litwinowicz, (202) 245-6306.

SUPPLEMENTARY INFORMATION: Section 1862(a)(13)(C) of the Social Security Act specifically excludes routine foot care from Medicare coverage. Therefore, Congress, in section 958 of Pub. L. 96-499, the Omnibus Reconciliation Act of 1980, mandated a comprehensive analysis of the cost effects of alternative approaches to improving coverage under Medicare for the treatment of various types of foot conditions. The law also requires the Secretary of Health and Human Services to submit a report to Congress on the study and recommend any legislative changes the Secretary finds desirable as a result of conducting the study.

HCFA will conduct this study, and will consider specific foot conditions, the effect of other pathology or disability of the patient, and the cost effects of alternative approaches to improving coverage for specific types of foot conditions. Cost-effectiveness, assurances of quality and appropriateness of services, techniques for utilization and cost controls, and efficiency of administration will be important aspects of the study.

This notice invites interested agencies, professional organizations and other parties to submit views, analyses, and other material for consideration in the study. All material mailed by January 18, 1982 will be considered.

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance and 13.774, Medicare—Supplementary Insurance)

Date: December 10, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 81-37223 Filed 12-30-81; 8:45 am]

BILLING CODE 4120-03-M

Medicare Program; Solicitation of Comments Related to a Study of Methods for Improving Coverage of Registered Dietitians' Services and for Respiratory Therapy Services Provided by Home Health Agencies

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMMARY: Present Medicare law and regulations do not permit coverage of registered dietitians' service or respiratory therapy services when the services are provided by a home health agency. Section 958 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499) requires us to conduct studies of the circumstances and conditions under which these services should be covered as a home health benefit, and to submit recommendations concerning coverage changes to Congress based on the result of the studies.

This notice invites organizations and parties concerned with these services to submit material for consideration in the studies.

DATES: To assure consideration, comments on the studies should be mailed by January 29, 1982.

ADDRESS: Address comments concerning the studies to: Mildred Corbin, Office of Research and Demonstrations, Health Care Financing Administration, Room 1-B-15, Oak Meadows Building, 6340 Security Boulevard, Baltimore, Maryland 21207.

FOR FURTHER INFORMATION, CONTACT: Mildred Corbin (301) 597-1457.

SUPPLEMENTARY INFORMATION: Medicare covers services of registered dietitians and of respiratory therapists when they are furnished as inpatient services by hospitals and skilled nursing facilities or as outpatient services by hospital outpatient departments. They are also covered if they meet the criteria

for services furnished incident to the services of a physician (that is, they are provided under the physician's direct supervision and are included in the physician's bill for services.)

Under current Medicare law concerning home health coverage, Medicare does not cover home visits or direct counseling of patients in the home by a respiratory therapist or registered dietitian. However, home health agencies may be reimbursed for the salaries of these practitioners to provide consultation and general guidance to home health agency staff serving medicare beneficiaries. Also, Medicare covers the rental or purchase of respiratory equipment for use in the home as durable medical equipment.

In section 958 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499), Congress directed the Secretary of Health and Human Services to conduct studies of the circumstances and conditions under which services furnished with respect to respiratory therapy and services furnished by a registered dietitian should be covered under Medicare when provided by home health agencies. The law also requires the Secretary to submit a report to Congress on all the studies mandated by section 958 and recommend any legislative changes the Secretary finds desirable as a result of conducting the studies. We will submit separate reports on the two studies discussed in this notice.

HCFA will conduct separate studies of the two types of benefits, including the need for the services in relation to medical diagnoses; qualifications and supply of manpower; quality assurances; techniques for control of utilization; quidelines for determining charges and controlling costs; and equitable and efficient administration. We will pay particular attention to cost/benefits considerations.

This notice invites interested agencies, professional organizations and other parties to submit views, analyses and similar material for consideration in either study. We will consider all material mailed by January 29, 1982.

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance and 13.774, Medicare—Supplementary Information)

Dated: December 10, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 81-37224 Filed 12-30-81; 8:45 am]

BILLING CODE 4120-03-M

Office of Human Development Services

Statement of Organization, Functions, and Delegations of Authority

This notice amends Part D of the statement of Organization, Functions, and Delegations and Authority of the Department of Health and Human Services, Office of Human Development Services (OHDS) to remove the Regional Office for Native Americans from all regions except Region X. In Region X, there is no change in the Regional Office for Native Americans except that Native American functions in Region IX are transferred to Region X. Similar functions in Regions I through VIII are transferred to headquarters.

Part D, Chapter DD, Section DD.20 D., "The Regional Offices for Native Americans", as published in the **Federal Register** on September 29, 1980 (45 FR 64269) is to be deleted and replaced by the following:

"D. The Regional Office for Native Americans (DDX7) is in region X only and acts under the direct supervision of the Regional Administrator. Is responsible for the administration of those ANA grant programs delegated to the HDS Region X Office. Represents the interests of Native Americans served by that region. Serves as liaison with other Federal, State and local agencies that operate programs which serve Native Americans and with organized Native American groups. Disseminates information on Departmental services, benefits and eligibility criteria to Native Americans. Identifies and seeks to address the specific needs of Native Americans. Works to encourage the social and economic development of Native Americans. Exercises oversight on regional grant programs authorized under the Native Americans Program Act of 1974. Provides guidance and technical assistance on financial management reporting, regulations, policies and procedures to ANA grantees. Stimulates and facilitates development of appropriate R&D projects."

Dated: December 23, 1981.

Richard S. Schweiker,

The Secretary.

[FR Doc. 81-37227 Filed 12-30-81; 8:45 am]

BILLING CODE 4130-01-M

Public Health Service

Privacy Act System; New System of Records

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Notification of a new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing this notice of a proposal to establish a new system of records: Health Professions Preparatory Scholarship Program for Indians and Health Professions Scholarship Program Record System, HHS/HSA/IHS, 09–15–0036. We are also including routine uses with this system of records. PHS invites interested persons to submit comments on the proposed routine uses on or before February 1, 1982.

DATES: PHS has sent a Report of a New System to the Congress and to the Office of Management and Budget (OMB) on December 10, 1981. PHS has requested that OMB grant a waiver of the usual requirement that a system of records not be put into effect until 60 days after the report is sent to OMB and the Congress. If this waiver request is granted, PHS will publish a notice to that effect in the **Federal Register.**

ADDRESS: Comments should be addressed to: Director, Office of Communication and Public Affairs, Health Services Administration, Parklawn Building, 5600 Fishers Lane, Room 14A–55, Rockville, Maryland 20857.

Comments received will be available for inspection in Room 14A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Business hours of this office are 8:30 A.M. to 5:00 P.M. weekdays.

FOR FURTHER INFORMATION CONTACT: Ann Barber, Acting HSA Privacy Act Coordinator, Parklawn Building, 5600 Fishers Lane, Room 14A–55, Rockville, Maryland 20857 (301) 443–2065. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Indian Health Service (IHS), Health Services Administration, proposes to establish a new system of records, the purposes of which are to select candidates for the IHS scholarship program, to monitor the scholarship-related activities of recipients, and to evaluate the effectiveness of the program. Scholarship-related activities are defined as enrollment and attendance in IHS-funded courses, the receipt by the student of a monthly stipend and the expenditure of funds by the student for the purchase of supplies (including books), equipment, tuition, fees and other reimbursable and justified expenses authorized by IHS.

This system of records will be used only by the components of IHS that are

involved in the administration, evaluation or planning of the scholarship grant program. The Human Resources Management Branch, Office of Program Support, IHS, is responsible for scholarship grant records in this system. This proposed new system permits the administration of the IHS scholarship program in accordance with the provisions of the Indian Health Care Improvement Act, 25 U.S.C. 1601 et. seq. These activities fall under the purview of the Privacy Act of 1974.

This system of records contains records of individuals who have applied for and have been approved to receive, are receiving, and have received scholarship grant funds provided by IHS for two purposes: compensatory education (section 103) and training in health professions where there are identified health manpower shortages (section 104).

Students apply directly to IHS for section 103 and 104 scholarship grants. IHS transmits scholarship grant approval or rejection notices directly to each applicant. Students accepted for funding under either program are assigned an IHS staff person to assist the student with oversight of his/her scholarship requirements. Area/Program Office Scholarship Coordinators may provide the student technical assistance with regard to the submission of expense vouchers in the event the student is unable to contact his/her monitor. In addition, an IHS Headquarters Branch Chief, for the health care discipline the scholarship grant recipient is being trained for, will assist with placement of the student to fulfill the student's service obligation payback.

The confidentiality of all records contained in this system of records is strictly enforced. Essential safeguards to be introduced into the operation of the system of records are as follows:

IHS personnel authorized to make use of records contained in this system of records are made aware of their responsibilities under the provisions of the Privacy Act and are required to maintain Privacy Act safeguards with respect to such records. Hard copy data are maintained in locked file cabinets and in secured storage areas. Access is limited to authorized personnel (system manager, his/her staff and staff of the Grants Management Office, IHS).

Records in this system are retained by IHS for one year after the final award payment has been made by IHS and are then retired to a Federal Records Center. Records are shredded or burned by the Federal Records Center four years after they are received.

The Privacy Act of 1974 allows disclosure of information without the consent of the individual for "routine uses," that is, disclosure for purposes which are compatible with the purposes for which the data are collected. Accordingly, we are establishing four routine uses of information in this system. The relationship between each of these four routine uses to the purpose of the system follows.

The first routine use provides for disclosure: "To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual." This routine use would not violate the privacy of the subject individual and is compatible with the purpose of the system because such disclosure would be made only pursuant to a request initiated by the subject individual.

The second routine use of this system permits disclosure: "To authorized persons employed by the grantee institution (the institution which the recipient of a scholarship grant is attending) as needed for the administration of a scholarship grant award." This routine use is compatible with the system's purpose to monitor the scholarship-related activities of candidates selected. If authorized personnel at the grantee institution determine that the student is not complying with the terms of the scholarship agreement, they will so notify authorized IHS personnel.

The third routine use of this system permits disclosure: "to other Federal agencies that also provide scholarship funding at the request of these Federal agencies in conjunction with a matching program conducted by these Federal agencies to detect or curtail fraud and abuse in Federal scholarship programs, and to collect delinquent loans or benefit payments owed to the Federal Government." One purpose of this system of records is to document, monitor and evaluate scholarship grantee performance and expenditures. Thus the disclosure of names and Social Security Numbers of persons awarded scholarship grants by IHS to these Federal agencies reduces the chances of fraud of abuse. Relevant Federal agencies include but are not limited to the Bureau of Indian Affairs, Department of Interior; components of the Department of Education; and the Department of Defense.

The fourth routine use states that portions of the records contained in this system will be published in the **Federal Register.** Disclosures to the public of nonsensitive information in this system identified by individual are required by the terms of the final rules and regulations implementing the IHS scholarship grant program.

For the reasons stated above, IHS believes that the routine uses of this system of records are compatible with the purpose of this system of record.

Dated: December 15, 1981.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

SYSTEM NAME:

Health Professions Preparatory Scholarship Program for Indians and Health Professions Scholarship Program Record System, HHS/HSA/IHS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Human Resources Management Branch, Indian Health Service, 5600 Fishers Lane, Room 6A-23, Rockville, Maryland 20857; and

Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied for and have been approved to receive, persons who are receiving, and persons who have received scholarship grant funds since January 1978 from the Health Professions Preparatory Scholarship Program for Indians and/or Health Professions Scholarship Program. Applicants for financial support awarded under the Health Professions Preparatory Scholarship Program for Indians must be American Indians or Alaskan Natives. Even though there is no racial requirement for the Health Professions Scholarship Program, priority selection is accorded to American Indian and Alaskan Native applicants, as stated in the legislation establishing this program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include grant applications of selected applicants only, and selection and performance records. In addition to the application forms for each of the two scholarship programs, these records also contain high school and college grade transcripts, evidence of acceptance in a school covered by the program, two faculty letters of recommendation or faculty evaluation forms, documentation of Indian eligibility (BIA Certification or State-Recognized Tribes Certification) for scholarship grant applicants who are claiming priority selection as American Indians or Alaskan Natives, verification

from a school official that the course is required to meet an educational deficiency and that the program represents a full course load (for Health Professions Preparatory Scholarship Program), signed contract (for Health Professions Scholarship Program), and a brief written explanation of the applicants' reasons for requesting the scholarship. Progress reports and vouchers of expenditures are included with the records after the scholarships have been awarded.

Information requested on a scholarship grant application form includes: Full name of applicant, mailing address, telephone number, place of birth, citizenship, school in which enrolled or accepted for enrollment as a full-time student, dates of attendance, expected date of graduation, , length of program in years, tuition and fees charged, future speciality, present and previous residences (city, county, state), work experience, and career goals. In addition, the Social Security Number (SSN) is requested on the scholarship grant application (optional on the application but required prior to the award of a grant). IHS scholarship grant recipients have an active duty service obligation (25 U.S.C. 1613) and are entitled to employment in IHS during any nonacademic period of the year (25 U.S.C. 1614). In anticipation of these obligations and entitlements, the SSN is obtained from IHS scholarship grant recipients at the time of grant award for identification of "permanent" accounts for these individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 103 of the Indian Health Care Improvement Act, 25 U.S.C. 1613, Health Professions Preparatory Scholarship Program for Indians.

Section 104 of the Indian Health Care Improvement Act, 42 U.S.C. 294y-1, Indian Health Scholarship Program.

Executive Order 9397, dated November 22, 1943, authorizing Federal agencies to collect SSNs from Federal employees for identification of "permanent" accounts.

PURPOSE:

The purpose of this system of records is to select candidates for the Indian Health Service scholarship program, to monitor the scholarship-related activities of candidates selected, and to evaluate the effectiveness of the program. Scholarship-related activities are defined as enrollment and attendance in IHS-funded courses, the receipt by the student of a monthly stipend and the expenditure of funds by the student for the purchase of supplies (including books), equipment, tuition, fees and other reimbursable and justified expenses authorized by IHS.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Records may be disclosed to a congressional office in response to an inquiry from that office made at the request of the subject individual.

2. Records may be disclosed to authorized persons employed by the grantee institution (the institution which the recipient of a scholarship grant is attending) as needed for the administration of a scholarship grant award.

3. Records may be disclosed to other Federal agencies that also provide scholarship funding at the request of these Federal agencies in conjunction with a matching program conducted by these Federal agencies to detect or curtail fraud and abuse in Federal scholarship programs, and to collect delinquent loans or benefit payments owed to the Federal Government.

4. Name, tribal affiliation if applicable, and school of scholarship recipients will be published in the **Federal Register** as required by the terms of the legislation establishing the IHS scholarship grant program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in folders, ledgers, and on electronic word processing diskettes.

RETRIEVABILITY:

Records which identify individual persons are indexed by name or identification number of scholarship grant applicant or recipient.

SAFEGUARDS:

1. Paper records are stored in locked file cabinets. The record storage area is secured during off-duty hours. This area is not left unattended during office hours, including lunch hours. Records are not removed from the area in which they are maintained in the absence of proper charge-out procedures.

2. All IHS personnel who make use of records contained in this system are made aware of their responsibilities under the provisions of the Privacy Act and are required to maintain Privacy Act safeguards with respect to such records.

3. When copying records for authorized purposes, care is taken to ensure that any imperfect pages are not left in the reproduction room where they can be read, but are destroyed or obliterated.

4. Access is limited only to authorized personnel in the performance of their duties. Authorized personnel includes the system manager, his/her staff and staff of the Grants Management Office, IHS.

5. Word processing diskettes are stored in areas where fire and life safety codes are strictly enforced. Twenty-four hour, seven-day security guards perform random checks on the physical security of the data. Word processing diskettes are off-loaded and stored in locked cabinets when not in use. A data set name controls the release of data to only authorized users.

These safeguards are in accordance with: (1) HHS General Administration Manual chapter 45–13 and supplemental chapter PHS.hf: 45–13, "Safeguarding Records Contained in Systems of Records," (2) PHS Grants Administration Manual chapter PHS.i.1–602, "Information on Individuals Obtained in Grant Applications," and (3) Part 6, "Systems Security" of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records in this system are retained by IHS for one year after the final award payment has been made by IHS and are then retired to a Federal Records Center. Records are shredded or burned by the Federal Records Center four years after they are received.

SYSTEM MANAGER AND ADDRESS:

Chief, Human Resources Management Branch, Indian Health Service, 5600 Fishers Lane, Room 6A–23, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

Requests by mail or in person: To substantiate the identity of subject individual seeking access to his/her scholarship grant application and/or performance record, the requester must provide his/her name, signature, and Grant Identification Number. To identify the record sought, the requester must provide dates of attendance, school(s) of attendance, and field of speciality or courses taken.

In addition, the requester is hereby informed that provision of the SSN may assist in the verification of the identity of the person as well as in the identification of his/her record. Provision of his/her SSN is voluntary, and the requester will not be refused access to his/her record for failure to disclose his/her SSN.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also provide a reasonable description of the record being sought.

CONTESTING RECORD PROCEDURES:

Contact the system manager, provide a reasonable description of the record, specify the information you want to contest, and state the corrective action sought.

RECORD SOURCE CATEGEGORIES:

Individuals whose records are contained in the system, third parties who provide references concerning the subject individuals, and schools that individuals in the system attend or have attended.

SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-37244 Filed 12-30-81 8:45 am]

BILLING CODE 4110-84-M

Office of the Secretary

Medicare Program; Premium Rate for the Uninsured Aged

AGENCY: Office of the Secretary (OS), HHS.

ACTION: General notice.

SUMMARY: This notice announces Medicare's monthly hospital insurance premium for the uninsured aged for the 12 months beginning July 1, 1982. Section 1818(d)(2) of the Social Security Act requires the Secretary of HHS to publish, during the last quarter of each calendar year, the amount of the monthly hospital insurance program (Part A of Medicare) premium for voluntary enrollment for the 12-month period beginning with the following July 1.

EFFECTIVE DATE: July 1, 1982.

FOR FURTHER INFORMATION CONTACT: Guy King, Acting Director, Office of Financial and Actuarial Analysis, 3-0-3 Operations Building, Baltimore, Maryland 21235, Telephone: (301) 594-2626.

SUPPLEMENTARY INFORMATION: Under the authority in section 1818(d)(2) of the Social Security Act (42 U.S.C. 1395i-2(d)(2)), I have determined that the monthly Medicare hospital insurance premium for the uninsured aged for the 12 months beginning July 1, 1982, is $113.

Section 1818 of the Social Security Act provides for voluntary enrollment in the hospital insurance program (Part A of Medicare), subject to payment of a monthly premium, of certain persons age 65 and older who are uninsured for social security or railroad retirement benefits and do not otherwise meet the requirements for entitlement to hospital insurance. (Persons insured under the Social Security or Railroad Retirement Acts need not pay premiums for hospital insurance.)

Section 1818(d)(2) of the Act requires the Secretary to determine and publish, during the last quarter of each calendar year, the amout of the monthly Part A premium for voluntary enrollment for the 12-month period beginning with the following July 1. The formula specified in this section also requires that, for the period beginning July 1, 1982, the 1973 base year premium ($33) be multiplied by the ratio of (1) the 1982 inpatient hospital deductible to (2) the 1973 inpatient hospital deductible, rounded to the nearer multiple of $1 or, if midway between multiples of $1, to the next higher multiple of $1.

Under section 1813(b)(2) of the Act, the 1982 inpatient hospital deductible was determined to be $260. (See 46 FR 47115, September 24, 1981.) The 1973 deductible was actuarially determined to be $76, although the 1973 deductible was actually promulgated to be only $72,to comply with a ruling of the Cost of Living Council. (See 37 FR 21452, October 11, 1972.) The monthly premium for the 12-month period beginning July 1, 1982 has been calculated using the $76 deductible for 1973, since this more closely satisfies the intent of the law. Thus the monthly hospital insurance premium is $33 x (260/76)=$112.89, which is rounded to $113.

Impact Analyses

The monthly hospital insurance premium for the uninsured aged for the 12-month period beginning July 1, 1982 will increase to $113. That amount is 27 percent higher than the $89 monthly premium amount for the previous 12-month period.

The estimated cost of this increase to the approximately 24,000 enrollees who do not meet the requirements for entitlement to hospital insurance will be about $7,000,000.

Because this notice merely announces an amount required by the formula specified in section 1818(d)(2) of the Act, and does not alter any regulation or policy, no analyses under Executive Order 12291 or the Regulatory Flexibility Act, Pub. L. 96-354, are required.

(Sec. 1818(d)(2), Social Security Act (42 U.S.C. 1395i-2(d)(2)))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: December 23, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-37290 Filed 12-30-81; 8:45 am]

BILLING CODE 4120-03-M

Monthly Actuarial Rates and Monthly Premium Rate

AGENCY: Office of the Secretary (OS), HHS.

ACTION: General notice.

SUMMARY: This notice announces the monthly actuarial rates for aged (age 65 or over) and disabled (under age 65) enrollees in the Medicare Supplementary Medical Insurance (SMI) program for the twelve months beginning July 1982. It also announces the monthly SMI premium rate to be paid by all enrollees during the twelve months beginning July 1982.

EFFECTIVE DATE: July 1, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph N. Romano, Supervisory Actuary, Division of Medicare Cost Estimates, 3-0-3 Operations Building, Baltimore, Maryland 21235, Telephone: (301) 594-1023.

SUPPLEMENTARY INFORMATION: Each December, the Secretary of Health and Human Services is required by law to issue two notices relating to the Medicare Supplementary Medical Insurance (SMI) program.

One notice announces two amounts that, according to actuarial estimates, will equal, respectively, one-half the expected average monthly cost of SMI per aged enrollee (age 65 or over) and one-half the expected average monthly cost of SMI per disabled enrollee (under age 65) during the 12 months beginning the following July. These amounts are called "monthly actuarial rates".

The second notice announces the monthly SMI premium rate to be paid by aged and disabled enrollees for the 12 months beginning the following July. (Although the costs to the program per disabled enrollee are higher than for the aged, the law provides that they pay the same premium amount.) The premium rate must be the lesser of the actuarial rate for aged enrollees, or the current monthly premium rate increased by the same percentage as the most recent general increase in monthly title II social security benefits (effective the preceding June). The difference between the premiums paid by all enrollees and total incurred costs is met from the general revenues of the Federal Government.

The notices of these amounts for the period July 1, 1982, through June 30, 1983, are as follows:

Notice of Monthly Actuarial Rates

As required by sections 1839(c)(1) and (4) of the Social Security Act (42 U.S.C. 1395r(c)(1) and (4)), as amended, I have determined that the monthly actuarial rates applicable for the 12-month period beginning July 1, 1982, are $24.60 for enrollees age 65 and over, and $42.10 for disabled enrollees under age 65. The accompanying statement gives the actuarial assumptions and bases from which these rates are derived.

Notice of Monthly Premium Rate

As required by section 1839(c)(3) of the Social Security Act (42 U.S.C. 1395r(c)(3)), as amended, I have determined that the basic premium amount will be $12.20 monthly during the period July 1, 1982 to June 30, 1983. The accompanying statement shows how this amount was derived.

Statement of Actuarial Assumptions and Bases Employed in Determining the Monthly Actuarial Rates and the Standard Monthly Premium Rate for the Supplementary Medical Insurance Program Beginning July 1982

1. Actuarial Status of the Supplementary Medical Insurance Trust Fund

The law requires that the SMI program be financed on an incurred basis. That is, program income during the 12-month period for which the actuarial rates are effective must be sufficient to pay for services furnished during that period (including associated administrative costs) even though payment for some of these services will not be made until after the close of the period. The portion of income required to cover benefits not paid until after the close of the 12-month period is added to the trust fund until needed. Thus, the assets in the trust fund at any time should be no less than benefit and administrative costs incurred but not yet paid.

Because the rates are established prospectively, they are subject to projection error. As a result, the income to the program may not equal incurred costs. Therefore, trust fund assets should be maintained at a level that is adequate to cover a moderate degree of projection error in addition to the amount of incurred but unpaid expenses. Table 1 summarizes the estimated status of the trust fund as of June 30 for each of the years 1980–82.

TABLE 1—ACTUARIAL STATUS OF THE SMI TRUST FUND, 12-MONTH PERIODS ENDING JUNE 30 OF 1980–82

[In millions]

	Assets	Liabilities	Assets less liabilities
12-month period ending June 30—			
1980	$4,658	$3,479	$1,179
1981	3,801	3,964	−163
1982	5,564	4,521	1,043

2. Monthly Actuarial Rate for Enrollees Age 65 and Older

The monthly actuarial rate is one-half the monthly projected cost of benefits and administrative expenses for each enrollee age 65 and older, adjusted to allow for interest earnings on assets in the trust fund and a contingency margin. The contingency margin is an amount appropriate to provide for a moderate degree of projection error and to amortize unfunded liabilities.

The monthly actuarial rate for enrollees age 65 and older for the 12-month period ending June 30, 1983, was determined by projecting per-enrollee cost for the 12-month period ending June 30, 1980, by type of service. The projected costs for the 12-month periods ending June 30 of 1980–1983 are shown in Table 2. The values for the 12-month period ending June 30, 1980, were established from program data. Subsequent periods were projected using a combination of program data and data from external sources. The projection factors used are shown in table 3.

TABLE 2.—DERIVATION OF MONTHLY ACTUARIAL RATE FOR ENROLLEES AGE 65 AND OVER 12-MONTH PERIODS ENDING JUNE 30 OF 1980–83

	1980	1981	1982	1983
Covered services (at level recognized):				
Physicians' reasonable charges	$14.99	$17.29	$20.62	$23.75
Radiology and pathology	.79	.96	1.15	1.30
Outpatient hospital and other institutions	2.74	3.34	4.02	4.96
Home health agencies	.35	.38	.11	.01
Group practice prepayment plans	.41	.53	.66	.80
Independent lab	.24	.25	.26	.30
Total services	19.52	22.75	26.82	31.12
Cost sharing:				
Deductible	−1.87	−1.88	−2.17	−2.47
Coinsurance	−3.31	−3.91	−4.68	−5.47
Total benefits	14.34	16.96	19.97	23.18
Administrative expenses	.87	1.25	1.02	1.09
Incurred expenditures	15.21	18.21	20.99	24.27
Value of interest on fund	−.37	−.29	−.34	−.51
Contingency margin for projection error and to amortize unfunded liabilities	−1.44	−1.62	1.95	.84
Monthly actuarial rate	13.40	16.30	22.60	24.60

TABLE 3.—PROJECTION FACTORS,[1] 12-MONTH PERIODS ENDING JUNE 30 OF 1981–83

	Physicians' services		Radiology and pathology	Outpatient hospital services	Home health agency services	Group practice prepayment plans	Independent lab services
	Fees[2]	Utilization[3]					
12-mo period ending June 30—							
Aged:							
1981	7.8	7.0	22.5	22.0	7.2	29.5	6.6
1982	10.5	7.9	19.9	20.1	−70.5	25.0	5.2
1983	9.8	4.9	12.6	23.6	−92.9	20.0	15.2
Disabled:							
1981	7.8	9.8	21.0	20.9	16.3	30.5	13.6
1982	10.5	10.7	18.7	20.8	−71.5	25.0	−1.3
1983	9.8	8.9	13.8	17.7	−100.0	20.0	16.3

[1] All values are per enrollee. Also, the values for 1981 and 1982 differ significantly from those contained in last year's notice due to an additional year's data which support the current values and due to the implementation of the provisions of the 1980 Omnibus Reconciliation Act, Pub. L. 96–499, and the 1981 Omnibus Budget Reconciliation Act, Pub. L. 97-35.
[2] As recognized for payment under the program.
[3] Increase in the number of services received per enrollee and greater relative use of more expensive services.

The projected monthly rate required to pay for one-half of the total of benefits and administrative costs for enrollees age 65 and over for the 12-month period ending June 30, 1983, is $24.27. The monthly actuarial rate of $24.60 provides an adjustment for interest earnings and $.84 for a contingency margin. This margin amortizes a small unfunded liability for the aged and provides a small contingency for projection error.

3. Monthly Actuarial Rate for Disabled Enrollees

Disabled enrollees are those persons enrolled in SMI because of entitlement to disability benefits for not less than 24

months or because of entitlement to Medicare under the end-stage renal disease program. Projected monthly costs for disabled enrollees (other than those suffering from end-stage renal disease) in Table 3 are prepared in a fashion exactly parallel to projections for the aged, using appropriate actuarial assumptions. Costs for the end-stage renal disease program are projected using a different computer model because of the complex demographic problems involved. The combined results of all disabled enrollees are shown in Table 4.

The projected monthly rate required to pay for one-half of the total of benefits and administrative costs for disabled enrollees for the 12-month period ending June 30, 1983 is $45.59. The monthly actuarial rate of $42.10 provides an adjustment for interest earnings and $.01 for a contingency margin. This margin is small since there is already a more than moderate excess of assets over liabilities for the disabled.

TABLE 4.—DERIVATION OF MONTHLY ACTUARIAL RATE FOR DISABLED ENROLLEES 12-MONTH PERIODS ENDING JUNE 30 OF 1980-1983

	1980	1981	1982	1983
Covered services (at level recognized):				
Physicians' reasonable charges	$18.28	$21.54	$26.01	$30.79
Radiology and pathology	.83	1.01	1.20	1.36
Outpatient hospital and other institutions	15.22	17.60	20.52	23.41
Home health agencies	.28	.33	.09	.00
Group practice prepayment plans	.20	.25	.32	.38
Independent lab	.32	.37	.38	.44
Total services	35.13	41.30	48.52	56.38
Cost sharing:				
Deductible	−1.59	−1.67	−1.97	−2.30
Coinsurance	−6.49	−7.66	−9.05	−10.54
Total benefits	27.05	31.97	37.50	43.54
Administrative expenses	1.64	2.36	1.91	2.05
Incurred expenditures	28.69	34.33	39.41	45.59
Value of interest and other income on fund	−3.07	−2.98	−2.71	−3.50
Contingency margin for projection error and to amortize unfunded liabilities	−.62	−5.85	−.10	.01
Monthly actuarial rate	$25.00	$25.50	$36.60	$42.10

4. *Sensitivity Testing*

Several factors contribute to uncertainty about future trends in medical care costs. In view of this, it seems appropriate to test the adequacy of the rates announced here using alternative assumptions. The most unpredictable factors that contribute significantly to future costs are outpatient hospital costs, physician utilization (measured indirectly and reflecting the use of more visits per enrollee, the use of more expensive services, and other factors not explained by simple price per service increases), and increases in physician fees as constrained by the program's reasonable charge screens and economic index. Two alternative sets of assumptions and the results of those assumptions are shown in Table 5. All assumptions not shown in Table 5 are the same as in Table 3.

Table 5 no longer analyzes the variability of the cost of home health agency services. Section 930 of Pub. L. 96-499 amended section 1832(a)(2)(A) of the Act to provide for unlimited home health visits under both hospital insurance and supplementary medical insurance, and amended section 1812(a)(3) to eliminate the requirement for a prior hospitalization for payment under hospital insurance. Also, section 1833(d) of the Act requires that services that could be paid under either hospital insurance or supplementary medical insurance are to be paid under hospital insurance. Therefore, virtually all home health services are now paid under the hospital insurance program. Consequently, alternative sets of assumptions are no longer provided for home health services in analyzing the adequacy of the rates announced.

Table 5 indicates that, under the assumptions used in preparing this report, the monthly actuarial rates will result in an excess of assets over liabilities of $1,553 million by the end of June 1983. This amounts to 7.3 percent of the estimated total incurred expenditures for the following year. Assumptions which are somewhat more pessimistic, and therefore which indicate the degree that assets can accommodate projection errors, produce a deficit of $867 million by the end of June 1983, which amounts to a deficit of 3.7 percent of the estimated total incurred expenditures for the following year. Under fairly optimistic assumptions, the monthly actuarial rates will result in an excess of $3,850 million, which amounts to 20.3 percent of the estimated total incurred expenditures for the following year.

TABLE 5.—PROJECTION FACTORS AND THE ACTURIAL STATUS OF THE SMI TRUST FUND UNDER ALTERNATIVE SETS OF ASSUMPTIONS, 12-MONTH PERIODS ENDING JUNE 30 OF 1981-83

	This projection			Low cost projection			High cost projection		
	1981	1982	1983	1981	1982	1983	1981	1982	1983
Projection factors (in percent):[1]									
Physicians' fees:[2]									
Aged	7.8	10.5	9.8	7.3	10.0	9.3	8.3	11.0	10.3
Disabled	7.8	10.5	9.8	7.3	10.0	9.3	8.3	11.0	10.3
Utilization of physicians' services:[3]									
Aged	7.0	7.9	4.9	6.0	5.9	2.9	8.0	9.9	6.9
Disabled	9.8	10.7	8.9	7.8	6.7	3.9	11.8	15.7	13.9
Outpatient hospital services per enrollee:									
Aged	22.0	20.1	23.6	19.0	13.1	13.6	25.0	27.1	33.6
Disabled	20.9	20.8	17.7	12.9	10.8	7.7	28.9	30.8	27.7
Actuarial status (in millions):									
Assets	$3,801	$5,564	$6,729	$3,801	$6,135	$8,585	$3,801	$4,971	$4,786
Liabilities	3,964	4,521	5,176	3,757	4,213	4,715	4,166	4,828	5,653
Assets less liabilities	−163	1,043	1,553	44	1,922	3,850	−365	143	−867
Ratio of assets less liabilities to expenditures (in percent)[4]	1.1	5.8	7.3	0.3	11.8	20.3	−2.3	0.7	−3.7

[1] The values for 1981 and 1982 differ significantly from those contained in last year's notice due to an additional year's data which support the current values and due to the implementation of the provisions of Public Law 96-499 and Public Law 97-35.
[2] As recognized for payment under the program.
[3] Increase in the number of services received per enrollee and greater relative use of more expensive services.
[4] Ratio of assets less liabilities at the end of the year to total incurred expenditures during the following year, expressed as a percent.

5. Standard Premium Rate

The law provides that the standard monthly premium rate for both aged and disabled enrollees shall be the lesser of:

1. The monthly actuarial rate for enrollees age 65 and older; or

2. The current standard monthly premium, increased by the same percentage that the level of old-age, survivors, and disability insurance (OASDI) benefits has been increased since the May preceding the announcement (and rounded to the nearer multiple of ten cents).

The standard monthly premium rate for the 12-month period ending with June 30, 1982 is $11.00. The OASDI benefit table increased 11.2 percent in June 1981. The $11.00 rate, increased by 11.2 percent and rounded to the nearer ten cent multiple, is $12.20. Since this is less than the aged actuarial rate, the standard premium rate will be $12.20 for the 12 months ending with June 1983.

Impact Analyses

The monthly SMI premium rate of $12.20 for all enrollees during the 12-month period beginning July 1, 1982 is 11.2 percent higher than the $11.00 monthly premium amount for the previous 12-month period.

The estimated cost of this increase to the approximately 28.6 million SMI enrollees will be about $410 million for the 12-month period beginning July 1, 1982.

Because this notice of the SMI premium rate announces an amount required by the formula specified in section 1839(c)(3) of the Act, and does not alter any regulation or policy, no analyses under Executive Order 12291 or the Regulatory Flexibility Act, Pub. L. 96-354, are required.

Secs. 1839(c)(1), (3), and (4), Social Security Act; 42 U.S.C. 1395r(c)(1), (3), and (4))

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare-Supplementary Medical Insurance)

Dated: December 28, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-37288 Filed 12-30-81; 8:45 am]

BILLING CODE 4120-03-M

Office of Management and Budget Approval Numbers for Certain Recordkeeping/Reporting Requirements Contained in Department of Health and Human Services Regulations

The following table displays the Office of Management and Budget (OMB) approval numbers for: (1) Recordkeeping requirements contained in regulations issued by the Department of Health and Human Services, and (2) reporting requirements in those regulations for which there are no forms displaying an OMB approval number. The Department has determined that publication of Table A assists potential respondents and carries out the intent of the public protection clause (Section 3512) of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) which states that "* * * no person shall be subject to any penalty for failing to maintain or provide any information * * * if the information collection request was made after December 31, 1981, and does not display a current control number assigned by the Director * * *"

Final regulations containing reporting and/or recordkeeping requirements issued by this Department in the future will normally cite the OMB number in the preamble. If the reporting and/or recordkeeping requirements have not been approved, the regulation will contain a statement that those requirements are not effective until OMB approval has been obtained.

FOR FURTHER INFORMATION CONTACT:

Joseph Strnad, Hubert H. Humphrey Building, Room 526-F, 200 Independence Avenue, S.W., Washington, D.C. 20201, (phone 202/245-7488).

Dated: December 24, 1981.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

TABLE A—LIST OF REGULATIONS; UNITED STATES CODE, CODE OF FEDERAL REGULATIONS, OR FEDERAL REGISTER CITATIONS; AND OMB APPROVAL NUMBERS FOR CERTAIN RECORDKEEPING AND REPORTING REQUIREMENTS IN EXISTING REGULATIONS

Title of regulation	Specific USC, CFR or FR citation	OMB approval number
OFFICE OF THE SECRETARY		
Assistant Secretary for Management and Budget		
45 public welfare; part 95—subpart F automatic data processing equipment and services—Conditions for Federal financial participation	45 CFR 95.600	0990-0058
PUBLIC HEALTH SERVICE		
Centers for Disease Control		
42 public health; part 71—Foreign quarantine importation requirements	42 CFR 71.154(b)(3)	0920-0108
42 public health; part 71—Foreign quarantine	42 CFR 71.185	0920-0096
30 mineral resources; part 11—Respiratory protective devices tests for permissibility: Fees (joint regulation with Department of Labor).	30 CFR 11.43	0920-0109
Food and Drug Administration		
21 food and drugs; part 600—General biological products; general	21 CFR 600.12	0910-0041
21 food and drugs; part 606—Current good manufacturing practices for blood and blood components.	21 CFR 606.100 (b) and (c); 21 CFR 606.151 (a) and (e); 21 CFR 606.160; 21 CFR 606.165; 21 CFR 606.170.	0910-0116
21 food and drugs; part 610—General biological products standards	21 CFR 610.18(b)	0910-0116
21 food and drugs; part 620—Additional standards for bacterial products	21 CFR 620.4(d); 21 CFR 620.13(d); 21 CFR 620.23(d); 21 CFR 620.33(d).	0910-0116
21 food and drugs; part 640—Additional standards for human blood and blood products	21 CFR 640.3(a); 21 CFR 640.61	0910-0116
	21 CFR 640.76 (a) and (b)	0910-0079
21 food and drugs; part 1002—Radiological health regulations for the administration and enforcement of the Radiation Control for Health and Safety Act of 1968.	21 CFR 1002.3; 21 CFR 1002.30; 21 CFR 1002.40	0910-0025
21 food and drugs; part 225—Current good manufacturing practices for medicated feeds	21 CFR 225.102; 21 CFR 225.110; 21 CFR 225.115	0910-0139
21 food and drugs; part 511—New animal drugs for investigational use	21 CFR 511.1(a)(3) (lab testing); 21 CFR 511.1(b) (clinical)	0910-0117
21 food and drugs; part 510—New animal drugs	21 CFR 510.300(a)	0910-0019
21 food and drugs; part 113—Thermally processed low-acid-foods packaged in hermetically sealed containers.	21 CFR 113.100	0910-0036
21 food and drugs; part 114—Acidified foods	21 CFR 114.100	0910-0036
21 food and drugs; part 800—Medical devices	21 CFR 800.55(k)	0910-0114
21 food and drugs; part 801—Labeling	21 CFR 801.150(a)(2); 21 CFR 801.150(e)(1)	0910-0131
21 food and drugs; part 807—Device listing for manufacturers of devices	21 CFR 807.22(a)	0910-0060
	21 CFR 807.31 (a) and (b)	0910-0057
21 food and drugs; part 812—Investigational device exemptions	21 CFR 812.2(b); 21 CFR 812.140	0910-0078

TABLE A—LIST OF REGULATIONS; UNITED STATES CODE, CODE OF FEDERAL REGULATIONS, OR FEDERAL REGISTER CITATIONS; AND OMB APPROVAL NUMBERS FOR CERTAIN RECORDKEEPING AND REPORTING REQUIREMENTS IN EXISTING REGULATIONS—Continued

Title of regulation	Specific USC, CFR or FR citation	OMB approval number
21 food and drugs; part 813—Investigational exemptions for intraocular lenses	21 CFR 813.156; 21 CFR 813.160(a)(3)	0910-0057
21 food and drugs; part 820—Good manufacturing practice, medical devices	21 CFR 820.60(a); 21 CFR 820.61(c); 21 CFR 820.80 (a) and (b); 21 CFR 820.81 (a) and (b); 21 CFR 820.101(b); 21 CFR 820.116 (a) and (b); 21 CFR 820.120(e); 21 CFR 820.121(b); 21 CFR 820.151; 21 CFR 820.161; 21 CFR 820.162; 21 CFR 820.161; 21 CFR 820.182; 21 CFR 820.184; 21 CFR 820.185; 21 CFR 820.198.	0910-0073
21 food and drugs; part 861—Procedures for performance standards development	21 CFR 861.30(a)(3)	0910-0072
21 food and drugs; part 58—Good laboratory practice for nonclinical laboratory studies	21 CFR 58.35(b) (1), (2), (3) and (c)	0910-0119
21 food and drugs; part 211—Current good manufacturing practice for finished pharmaceuticals	21 CFR 211.34; 21 CFR 211.182; 21 CFR 211.184; 21 CFR 211.186; 21 CFR 211.188; 21 CFR 211.194 (a) and (b); 21 CFR 211.196; 198(b) (1), (2) and (3).	0910-0139
21 food and drugs; part 291—Drugs used for treatment for narcotic addicts	21 CFR 291.505(d)(9); 21 CFR 291.505(f)(2)(v)	0910-0140
21 food and drugs; part 431—Certification of antibiotic drugs	21 CFR 431.60	0910-0017
21 food and drugs; part 50—Protection of human subjects	21 CFR 58.115	0910-0130
Health Resources Administration		
42 public Health; part 123—Designation of State health planning and development agencies	42 CFR 123.102; 42 CFR 123.103; 42 CFR 123.104; 42 CFR 123.105; 42 CFR 123.107; 42 CFR 123.109; 42 CFR 123.203.	0935-0059
42 public Health; part 124—Subparts F and G—Requirement for provision of services to persons unable to pay and community service by assisted facilities.	42 CFR 124.507; 42 CFR 124.510; 42 CFR 124.605	0935-0021
Health Services Administration		
42 public Health; part 51d—Subpart A—Grants for hemophilia treatment centers	42 CFR 51d.113; 42 CFR 51d.115	0915-0004
42 public Health; part 51c—Grants for community health services	42 CFR 51c.303(1); 42 CFR 51c.403	0915-0004
42 public Health; part 51e—Subpart A—Grants for home health services	42 CFR 51e.106(a)(5)	0915-0004
Office of Assistant Secretary for Health		
42 public Health; part 110—Requirements for a health maintenance organization: Full and fair disclosure requirement.	42 CFR 110.108(c)(1)	0937-0093
42 public Health; part 110—Requirements for a HMO: Reporting and disclosure requirement	42 CFR 110.108(o)	0937-0022
42 public Health; part 110—Qualification of health maintenance organizations; application requirements.	42 CFR 110.604(a)	0937-0103
42 public Health; part 50—Provision of sterilizations in federally assisted programs of the public Health Service.	42 CFR 50.206	0937-0029
OFFICE OF HUMAN DEVELOPMENT SERVICES		
45 public welfare; part 201—Grants to States for public assistance programs; subpart A—Approval of State plans and amendments (title IV-A).	45 CFR 201.3 through 45 CFR 201.5	0980-0008
45 public welfare; part 1304—program performance standards for operation of Head Start Programs by grantees and delegate agencies.	45 CFR 1304.1-4	0980-0128
45 public welfare; part 1321—Grants to States and community programs for aging; subchapter C—The Administration on Aging, older Americans programs; subpart C through F.	45 CFR 1321.21 through 45 CFR 1321.85	0980-0044
45 public welfare; part 1321—Grants to States and community programs for aging; subchapter C—The Administration on Aging, older Americans programs; subpart E through F.	45 CFR 1321.61 through 45 CFR 1321.85	0980-0127
45 public welfare; part 1328—Grants to Indian tribes for social and nutritional services	45 CFR 1328.7 et al	0980-0050
Community services block grant	Federal Register, volume 46, date: October 1, 1981, page: 48582	0980-0125
Social services block grant	Federal Register, volume 46, date: October 1, 1981, page: 48582	0980-0126
SOCIAL SECURITY ADMINISTRATION		
20 employee benefits; part 404—Federal old age, survivors and disability insurance	20 CFR 404.1241	0960-0066
20 employee benefits; part 416—Supplemental security income for the aged, blind, and disabled	20 CFR 416.2075; 20 CFR 416.2098	0960-0240
45 public welfare; part 233—Coverage and conditions of eligibility in financial assistance programs; monthly reporting.	45 CFR 233.28	0960-0260
45 public welfare; part 260—Low income energy assistance program; fiscal reports by States	45 CFR 260.86	0960-0261
45 public health and welfare; part 424A—Reduction of disability benefits; part 418—Voluntary agreements for coverage of State and local employees; part 410—Definitions relating to employment.	42 U.S.C. 424a; 42 U.S.C. 418; 42 U.S.C. 410	0960-0247

[FR Doc. 81-37306 Filed 12-30-81; 8:45 am]
BILLING CODE 4110-12-M

Social Security Administration

Proposed Project Grants for Services in Refugee and Entrant High-Impact Areas and Availability of Funding for Entrant Projects; Availability of Funding

AGENCY: Office of Refugee Resettlement (ORR), SSA, HHS.

ACTION: Notice of proposed availability of funding for project grants for services in high-impact areas.

SUMMARY: This notice announces the proposed availability of funds and award procedures for project grants for services to refugees and Cuban and Haitian entrants (hereafter, "entrants") under the Refugee Resettlement Program (RRP) and the Cuban/Haitian Entrant Program (CHEP) in States and localities with high concentrations of refugees or entrants where specific needs exist for supplementation of currently available resources. In FY 1982, funds are expected to be available for project grants for Cuban and Haitian entrants only.

DATE: Comments on the requirements and procedures set forth in this notice will be considered if received by February 1, 1982.

ADDRESS: Address written comments, in duplicate, to: Mark Zecca, Office of Refugee Resettlement, Room 1229, Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Mark Zecca, (202) 472-6510.

SUPPLEMENTARY INFORMATION:

I. Purpose and Scope

This notice announces the proposed availability of funds for special project grants for services to refugees and/or Cuban and Haitian entrants in areas where, because of factor such as an unusually high concentration of refugees or entrants, there exists and can be demonstrated a specific need for supplementation of currently available resources for services to these populations.

The Department currently expects approximately $20,000,000 in fiscal year 1982 to be available for this purpose with respect to Cuban and Haitian entrants. No funds are currently

expected to be available with respect to refugees in fiscal year 1982. However, the Department proposes to make the requirements and procedures set forth in this proposal applicable to the refugee program as well as the entrant program if funds should become available in the future.

The purpose of the proposed grants is to provide additional services to entrants or refugees in areas where resources for these purposes have been unusually strained due to factors such as especially large concentrations of entrants or refugees. Funding of these special projects is intended to promote effective resettlement and provision of needed services to refugees while at the same time helping to offset extraordinary impacts or burdens on State and local resources.

Funds awarded will be generally related to the extent of the specific needs to be addressed and the degree of concentration and number of entrants/refugees in the geographic area to be served by a proposed project, as documented in applications.

II. Authorization

Refugee projects would be funded under the authority of section 412(c) of the Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980 (Pub. L. 96–212), 8 U.S.C. 1522(c). Entrant projects would be funded under this same authority as made applicable to the Cuban and Haitian entrant program by section 501(a) of the Refugee Education Assistance Act of 1980 (Pub. L. 96–422).

III. Eligible Grantees

The Department proposes to limit eligible grantees to those agencies of State governments designated as responsible for the refugee program under 45 CFR 400.5. (Subgrants and subcontracts to other agencies would be permitted if set forth in detail in the application.)

In assessing the adequacy of a State agency's demonstration of need for supplementation of existing resources, the Director of ORR will take into consideration the ratio of entrants or refugees to the total population of the State. A ratio of 1:200 or greater will be considered strong evidence of need. Where a State agency can satisfactorily demonstrate a high level of concentration in one or more local areas within the State, even though the State's total entrant/refugee population ratio does not meet the above criterion, such concentration will also be considered strong evidence of need.

Applications submitted in response to this notice are not subject to review by State and areawide clearinghouses under the procedures in Part I of Office of Management and Budget Circular No. A–95.

IV. Eligible Projects

An applying State agency would be required to set forth in detail: (1) The proposed use(s) of a project grant; (2) the local area(s) where the activities would be carried out; (3) the subgrantees or subcontractors (if any) which would carry out specific activities; and (4) the specific group(s) of entrants/refugees who would be served.

Explicit justification would be required in the application for each specific activity proposed for each specific local area to be served, together with detailed proposed budgets.

The applicant would be required to justify in the application why additional Federal funds are needed beyond those currently available for refugee/entrant social services, and how the activities proposed in the application would supplement and be coordinated with ongoing activities under the State's plan for the refugee or entrant cash and medical assistance and social service programs.

Permissible activities would include the broad range allowed under section 412(c) of the INA, subject to the demonstration of need for a particular activity, as indicated above. Permissible activities could include adult English language training, employment services, emergency food and shelter, health services, certain types of educational services, relocation services to less impacted areas, and other types of services where specific needs for supplementation of State, local, or other resources for the provision of services to refugees or entrants could be documented.

V. Criteria for Evaluating Applications

An applying State agency must demonstrate a specific need for the supplementation of currently available resources for the provision of needed services to refugees or entrants in one or more local areas within the State. A ratio of refugees or entrants to total population in a State or locality exceeding 1:200 will be considered strong evidence of such need.

The application must spell out clearly the relationship between the requested special project funds and the State's activities being carried out with other Federal refugee/entrant funds.

Highest priority would be given to those service projects which are intended to result in early self-support of refugees and entrants, to meet urgent needs of individuals and families within the refugee or entrant populations, and to avoid major impacts or burdens on State or local resources which may result in an incapacity of those States or localities to serve refugees and entrants effectively and to promote their effective resettlement in, or integration with, American communities.

Project grant applications will be evaluated on the following criteria:

1. Documentation of high concentration of entrants or refugees.
2. Demonstration of special need for supplementation of other available resources in order to serve these populations.
3. Documentation of extraordinary impact on State or local resources meriting special project grant.
4. Adequacy of justification for each specific activity proposed for each specific local area.
5. Adequacy of description of how proposed activities would supplement and be coordinated with a State's plan for refugee or entrant cash and medical assistance and social service programs.
6. Extent to which activities would be targeted to specific areas of greatest refugee/entrant concentrations and needs.
7. Experience and qualifications of proposed subgrantees/subcontractors to carry out identified activities.
8. Reasonableness of estimated costs in relation to anticipated results.

VI. HHS Regulations That Apply

The following HHS regulations apply to grants under this Notice:

42 CFR Part 441, Subparts E and F Services: Requirements and limits applicable to specific services—Abortions and Sterilizations

45 CFR Part 16, Department grant appeals process

45 CFR Part 74, Administration of grants

45 CFR Part 75, Informal grant appeals procedures

45 CFR Part 80, Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare effectuation of Title VI of the Civil Rights Act of 1964

45 CFR Part 81, Practice and procedure for hearings under Part 80 of this title

45 CFR Part 84, Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance

VII. Reporting and Recordkeeping

Section IV of this announcement establishes reporting and recordkeeping which require OMB review and

approval. Since HHS cannot be certain of the number of applicants for these funds, HHS will seek OMB approval of the application requirements established by this announcement. These application requirements will not be effective until OMB approves them. Following OMB approval, we will announce the effective date of the application requirements in the **Federal Register.**

(Catalog of Federal Domestic Assistance No. 13.814, Refugee Assistance State Administered Programs, and No. 13.817, Refugee Assistance Cuban and Haitian Entrants)

Dated: December 23, 1981.

John A. Svahn,

Commissioner, Social Security Administration.

[FR Doc. 81-37226 Filed 12-30-81; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This notice announces that Shell Oil Company, Unit Operator of the South Pass Block 27 Reservoirs M RD and N, RD Federal Units Agreement Nos. 14-08-0001-16142, and 14-08-0001-16143, submitted on December 10, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the South Pass Block 27 Reservoirs M RD and N4 RD 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 the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, 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 U.S. Geological Survey 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 Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 23, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-37218 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the Eugene Island Block 266 Federal Unit Agreement No. 14-08-0001-8640, submitted on October 30, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the Eugene Island Block 266 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 the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, 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 U.S. Geological Survey 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 Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 23, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-37217 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[A-1784]

Burley District Grazing Advisory Board; Meeting

December 23, 1981.

In accordance with Pub. L. 92-463, the Federal Advisory Committee Act, and Pub. L. 94-579, the Federal Land Policy and Management Act, notice is hereby given that the Burley District Grazing Advisory Board will meet on February 10, 1982.

The meeting will begin at 9:00 a.m. in the Conference Room of Bureau of Land Management Office at 200 South Oakley Highway, Burley, Idaho.

The agenda for the meeting will include: (1) Discussion of final allocation of Range Betterment Funds (8100) for fiscal year 1982 and use of these funds; (2) Review of progress of Bannock-Oneida grazing EIS including Range Use Agreements; (3) Discussion of Cassia Resource Management Plan Planning Criteria; (4) Discussion of Twin Falls Grazing EIS; (5) Any other business that may come before the Board.

The meeting is open to the public. Interested persons may make oral statements to the Board between 3:30 p.m. and 4:30 p.m. or they may file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, ID 83318, by February 5, 1982. Depending on the number of persons wishing to make oral 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 will be available for public inspection and reproductions (during regular business hours 7:45 a.m. to 4:30 p.m., Monday through Friday) within 30 days following the meeting.

Dated: December 24, 1981.

Nick James Cozakos,

District Manager.

[FR Doc. 81-37253 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

California Desert Conservation Area Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Publish proposed amendments to the California Desert Conservation Area Plan for public review and to obtain information and advice from the public on these proposed amendments (In accordance with Pub. L. 94-579, Section 601).

SUMMARY: The proposals concerned are as follows:

Amendment No. and Action and Location

3—*(PU 34, Barstow RA)
Portion of western edge of PU 34 should be changed from Class "L" to "M" (WSA 242).

4—(PU 56, Barstow RA)
Change existing mining area from Class "L" to "M" (similar to Amendment #3).

5—(PU 32, Barstow RA)
Rainbow Basin/Owl Canyon Area of ACEC #39. Change from "M" to "L".

6—(PU 35, Barstow RA)
Change Silver Mountain Vicinity from "M" to "I". Because of intensive mining activity in the locality.

7—(PU 36, Barstow RA)
Change Turtle Valley Area from "L" to "M" class to increase manageability.

8—(PU 41, Barstow RA)
Change "Small Tract" Area immediately south of State Highway 247 in PU 41 from "M" to unclassified.

9—(PU 40, Barstow RA)
Change an isolated tract of Class "M" land, adjacent to and northeast of Highway 247, to "unclassified" (same as land around it).

12—(PU 79, Needles RA)
Reevaluate boundary of Sheephole Mountain Wilderness Area (WSA 305) to eliminate conflicting uses.

16—(PU 101, El Centro RA)
Change the Hess Mining Area from "L" class to "M" class.

17—(PU 101, El Centro RA)
Change area surrounding Glamis store from "C" to "I" class.

20—(PU 35, Barstow RA)
Silver Mountain (vicinity) ACEC (#44) should be deleted or reduced in size.

21—(PU 28, Barstow RA)
Harper Dry Lake ACEC (#37) reduce area from 1760 ac. to 480 ac.

22—(PU 32, Barstow RA)
Goldstone ACEC #27—delete.

23—(PU 35, Barstow RA)
Designate a new ACEC to protect habitat of *Sclerocactus polyancistrus* near Helendale.

24—(PU 98, Indio RA)
Corn Springs ACEC (#56) should be reduced from 5568 ac. to 2720 ac.

25—(PU 90, Indio RA)
Sidewinder Well ACEC (#54) delete.

26—(PU 67, Needles RA)
Mountain Pass ACEC (#30) delete.

30—(PU 1, Ridgecrest RA)
Deep Spring Allotment—increase AUMs (animal units months by 107).

31—(PU 16, Ridgecrest RA)
Adjust boundry between Tunawee and Lacey Cactus—McCloud Grazing Allotments.

32—(PU 68, Needles RA)
Jean Lake Allotment—increase AUMs from 251-298.

33—(PU 75 & 82—Needles RA)
Lazy Daisy Allotment—change range type from ephemeral to ephemeral/perennial; amend boundaries of allotment. Reauthorize 3192 AUMs.

34—(Needles RA)
Add new allotment, Chemehuevi, #61.

35—
Amend wording for ephemeral grazing regulations to distinguish between ephemeral use by sheep and cattle.

36—(Ridgecrest RA)
Update Desert Plan to reflect feral burro management at the Naval Weapons Center.

42—(Barstow RA) (PU 54)
Designate a communication site in Class "L". Site limited to military use.

43—(Needles RA) (PU 68)
California Desert Plan should recognize California Energy Commission decision to rank Ivanpah Site for Edison's Proposed Power Plant. BLM would initiate during EIS process.

44—(El Centro RA) (PU 103)
Change the utility corridor map in the California Desert Plan to reflect change in location of the APS/SDGE Intertie Corridor (as recommended by BLM and California PUC).

45—
Amend Multiple-Use Class guidelines to allow sand & gravel sales in Class "L" after 60 day public review of an Ea (rather than require an EIS if sale area is over 5 acres).

47—
The guidelines for leasable and locatable minerals in Class "L" (page 18 of the Plan), should be changed. Reduce public review period from 60 to 30 days.

*Planning Units (PU) are described on Map of California Desert Conservation Area (CDCA) found on back of CDCA Plan 1980.

Date: The Environmental Assessment is to be published in Riverside, California on January 15, 1982.

For further information contact, Chief, Planning and Environmental Coordination Section, California Desert District Office (714) 787-1679.

Dated: December 21, 1981.

Gerald E. Hillier,

District Manager.

[FR Doc. 81-37218 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

California Desert District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 and 94-579 that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior will meet, Friday, February 5, 1982, in Needles, California.

The purpose of the meeting is to review and prepare recommendations on the following issues: Red Rock Park expansion, implementation of the Desert Plan, the relationship between the Advisory Council and the District Grazing Board, problems with the route designation process, funding needs for road and campground maintenance, new Bureau policy regarding community expansion, and mining regulations. Status reports on the Salton Sea oil and gas leases will be given by staff. Presentation by Southern California Edison in the Cal Coal electric generation proposal in the Ivanpah area and San Bernardino County "New Town" proposal are also scheduled. Agenda item requiring Council recommendation will be discussed and acted on following the public comment period. Interested persons may address the Council during the public comment period and/or file written statements for Council consideration. The meeting will be held at the Elks Lodge, 1000 Lily Hill Drive, Needles, California, and will begin at 8:00 a.m., Friday, February 5, 1982, and is open to the public.

Field trips are scheduled for Saturday, February 6, and Sunday, Fedruary 7, to allow the Council the opportunity to view the Parker 400 ORV race area and to tour parts of the East Mojave Scenic Area.

Further information may be obtained by writing Mr. Clayton A. Record, Jr., Chairman, California Desert District Advisory Council, c/o California Desert District Manager, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507.

Dated: December 23, 1981.

Gerald E. Hillier,

District Manager.

[FR Doc. 81-37221 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

[M 51799]

Montana; Supplement to Notice of Realty Action, Modified Competitive Sale of Public Land

December 18, 1981.

This notice is a supplement to the Notice of Realty Action published in the **Federal Register** on November 18, 1981 (46 FR 222, page 56664), to designate the date, time, location and bidding procedures for the sale. The original notice contains the legal description of the 13.16 acres of public land, the justification for the modified competitive sale, and the terms and conditions to be

included in the conveyance document. All interested parties have until January 4, 1982, to submit comments to the State Director, Montana State Office.

The modified competitive sale of the subject parcel of public land in Treasure County, Montana, will be held at the Montana State Office, 222 North 32nd Street, Billings, Montana, on Tuesday, January 26, 1982, at 10 a.m.

Bidding Information and Instructions:

Bidder Qualifications: The Federal Land Policy and Management Act requires that bidders be U.S. citizens or, in the case of a corporation, subject to the laws of any state or the U.S. Bids must be made by the principal (the one desiring to purchase the land) or his agent (someone representing him).

Bid Standards: No bid will be accepted for less than the appraised value of $1,000 and bids must include all the land contained in the parcel.

Method of Bidding: The land will be sold by sealed bid only. Bids delivered or sent by mail will be considered only if received by the Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107, prior to 10 a.m. on January 26. Each bid must be in a sealed envelope 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 the bid. The sealed bid envelopes must be marked in the lower left hand corner as follows:

Public Land Sale M 51799
January 26, 1982

If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids. The highest qualifying sealed bid shall then be publicly declared.

Modified Bidding: For a period of 30 days following the date of the sale, Mr. John G. Michunovich, the owner of the private land ajoining the sale parcel, will be offered the right to meet the highest bid. If he meets the highest bid, the land will be sold to him, and the other bid will be returned. His refusal to meet the highest bid shall constitute a waiver of such bidding provisions.

Final Details: Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within the time period designated by the authorized officer. Failure to submit the required amount within the allotted time will result in cancellation of the sale of the parcel and the deposit will be forfeited.

Once the high bid is accepted, the full bid price is paid, and the citizenship or corporate qualifications are met, the title will be conveyed by a decision of Fee Simple Interest Conveyance. Once the pending BLM resurvey is approved and officially filed in this office, a patent will issue.

Further Information/Inquiries: Detailed information concerning the sale, including the planning documents and environmental assessment, is available for review at the Miles City District Office, West of Miles City, P.O. Box 940, Miles City, Montana 59301.

Kannon Richards,

Acting State Director.

[FR Doc. 81-37215 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 6108]

Oregon; Termination of Classification for Multiple Use Management

1. By order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on October 8, 1970 (35 FR 15857), the public lands were classified for multiple use management pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Part 2460.

The areas described in the **Federal Register** published on October 8, 1970 (35 FR 15857) aggregate approximately 12,175.62 acres in Morrow, Umatilla, and Union Counties, Oregon.

2. Pursuant to 43 CFR 2461.5(c)(2), the classification as to the above described public lands is terminated upon publication of this notice in the **Federal Register.**

3. The land in the S½S½ of Section 33, T. 1 S., R. 40 E., has been conveyed from United States ownership and is not open to operation of the public land laws generally, including the mining laws and mineral leasing laws.

4. The land in the S½S½SW¼SW¼ of Section 36, T. 6 S., R. 31 E., is included in a U.S. Forest Service administrative site withdrawal and remains withdrawn from operation of the public land laws generally, including the mining laws.

5. The land in the SE¼SE¼ of Section 1, T. 4 N., R. 37 E., is included in Public Water Reserve No. 107 and remains withdrawn from operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

6. The lands in the SE¼NW¼ of Section 2, NW¼SE¼, of Section 13, NW¼N¼ of Section 24, T. 2 N., R. 40 E., are included in Powersite Reserve No. 170 and remain withdrawn from operation of the public land laws generally.

7. The lands in the SE¼SW¼ of Section 25, T. 3 S., R. 35 E.; NW¼SE¼ of Section 2, NE¼NW¼ and NE¼SE¼ of Section 13, T. 2 N., R. 40 E.; and SE¼SE¼ of Section 19, T. 1 N., R. 41 E., are included in Powersite Reserve No. 170, Powersite Reserve No. 529, and Powersite Classification No. 282. The lands have been and continue to be open to entry subject to Section 24 of the Federal Power Act of June 10, 1920 (16 U.S.C. 818).

8. At 10 a.m., on January 27, 1982, the lands described in paragraph 1, except as provided in paragraphs 3 to 7, inclusive, will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on January 27, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

9. The lands described in paragraph 1, except as provided in paragraphs 3 to 5, inclusive, have been and continue to be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 22, 1981.

William G. Leavell,

State Director.

[FR Doc. 81-37256 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Wilderness Appeal Dismissed on Wild Mountain Unit

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the appeal on UT-080-104 (Wild Mountain) has been dismissed by the Interior Board of Land Appeals (IBLA) and that the unit is dropped from further wilderness review. The restrictions imposed by section 603 of the Federal Land Policy and Management Act are no longer in effect.

On December 11, 1981, the IBLA dismissed an appeal filed April 6, 1981, by Colorado Open Space Council on the Wild Mountain Unit because the appellants failed to file "a statement of reasons" for the appeal.

FOR FURTHER INFORMATION CONTACT:
Kent Biddulph, Utah BLM State Office, (801) 524–5326.

Dated: December 21, 1981.

Dean Stepanek,

Acting State Director.

[FR Doc. 81-37212 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 17434(WASH)]

Washington; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of June 28, 1977, FR Doc. 77–18484, Pages 32850–1, an allowance of 30 days was made for comments concerning the proposal by the Bureau of Reclamation to withdraw 144 acres of land for use in connection with proposed fish enhancement developments at Enloe Dam in Okanogan County. An additional 60 days from the date of this publication is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 22, 1981.

Champ C. Vaughan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-37258 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

[PHX 075454, etc.]

Arizona; Order Providing for Opening of Public Lands

December 22, 1981.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (49 Stat. 1272, amended, 43 U.S.C. 315g) the following lands have been reconveyed to the United States under the serial numbers listed below:

Gila and Salt River Meridian, Arizona

PHX 075454

T. 6 N., R. 16 W.,
Sec. 2, Lots 3, 4.
T. 16 N., R. 18 W.,
Secs. 2, 16 and 32;
Sec. 36, W½.
T. 16 N., R. 19 W.,
Sec. 2, S½N½, S½;
Secs. 16, 32 and 36.
T. 23 N., R. 19 W.,
Sec. 2, Lots 1, 2, 3, 4.

PHX 075459

T. 17 N., R. 18 W.,
Sec. 36, N½, SW¼, N½SE¼, SW¼SE¼.
T. 17 N., R. 19 W.,
Secs. 2, 16, 32 and 36.
T. 17 N., R. 20 W.,
Sec. 2, Lots 1, 2, 3, S½N½, S½;
Secs. 16, 32 and 36.
T. 17 N., R. 21 W.,
Sec. 2, Lot 1, S½N½, S½.

PHX 075483

T. 23 N., R. 18 W.,
Secs. 16 and 32.
T. 12 N., R. 16 W.,
Sec. 36.
T. 23 N., R. 19 W.,
Sec. 2, S½, S½NW¼.
T. 15 N., R. 18 W.,
Sec. 16;
Sec. 32, E½, NW¼;
Sec. 36, E½NE¼, NE¼SE¼, W½, W½E½.
T. 14 N., R. 15 W.,
Sec. 2.
T. 12 N., R. 17 W.,
Sec. 16, N½.

PHX 078043

T. 13 N., R. 16 W.,
Sec. 32, N½, N½SE¼, SE¼SE¼.
T. 12 N., R. 16 W.,
Sec. 2, Lots 1, 2, 3, 4, S½.
T. 14 N., R. 12 W.,
Sec. 36, N½, SW¼, W½SE¼.
T. 14 N., R. 13 W.,
Sec. 16, N½, W½SW¼;
Sec. 32, N½, W½SW¼;
Sec. 36, N½, NW¼SW¼.
T. 14 N., R. 14 W.,
Sec. 16, N½, SW¼, W½SE¼, NE¼SE¼;
Sec. 36, N½, SW¼, W½SE¼, NE¼SE¼.
T. 7 N., R. 11 W.,
Secs. 10 and 11.

PHX 078978

T. 14 N., R. 14 W.,
Sec. 2, Lots 2, 3, 4;
Sec. 18, Lots 3, 4.
T. 14 N., R. 13 W.,
Sec. 32, SE¼, E½SW¼.
T. 15 N., R. 12 W.,
Sec. 32, N½NE¼, SW¼NE¼, NW¼.
T. 14 N., R. 15 W.,
Sec. 36, E½SE¼.

PHX 079886

T. 5 S., R. 27 E.,
Sec. 32.
T. 37 N., R. 10 W.,
Sec. 36.
T. 38 N., R. 10 W.,
Sec. 32, N½, SE¼, N½SW¼, SW¼SW¼.

PHX 080040

T. 18 N., R. 20 W.,
Sec. 16, SE¼.
T. 20 N., R. 16 W.,
Sec. 32, NE¼.
T. 38 N., R. 10 W.,
Sec. 32, SE¼SW¼.

PHX 080217

T. 38 N., R. 10 W.,
Sec. 2, Lots 2, 3, 4, S½N½;
Sec. 16, E½.
T. 40 N., R. 11 W.,
Sec. 16, SE¼NE¼, W½NE¼, E½SW¼, NW¼, SE¼.

PHX 080542

T. 39 N., R. 12 W.,
Sec. 32, SW¼.
T. 41 N., R. 5 W.,
Sec. 32, N½.

PHX 080547

T. 27 N., R. 20W.,
Sec. 20, W½NW¼, NE¼NW¼.

PHX 080681

T. 38 N., R. 14 W.,
Secs. 16, 32 and 36.
T. 41 N., R. 5 W.,
Sec. 16.
T. 41 N., R. 8 W.,
Sec. 16.
T. 41 N., R. 12 W.,
Sec. 32.
T. 41 N., R. 16 W.,
Sec. 16.

PHX 081206

T. 13 N., R. 13 W.,
Sec. 2, N½.
T. 13 N., R. 19 W.,
Sec. 2, N½.

PHX 081226

T. 24 N., R. 22 W.,
Sec. 25, S½SE¼.
T. 10 N., R. 18 W.,
Sec. 15, NW¼.

PHX 081289

T. 39 N., R. 10 W.,
Sec. 2.
T. 39 N., R. 11 W.,
Sec. 36, SE¼.

PHX 081345

T. 40 N., R. 10 W.,
Sec. 32, N½NE¼.

PHX 081413

T. 13 N., R. 13 W.,
Sec. 1, Lot 1, N½SE¼NE¼;
Secs. 25 and 35.

PHX 081486

T. 38 N., R. 12W.,
Sec. 16.

PHX 081525

T. 13 N., R. 13 W.,
Sec. 11, S½;
Secs. 13, 15 and 23.

PHX 084397

T. 17 N., R. 16 W.,
Sec. 16.
T. 17 N., R. 17 W.,
Sec. 2, Lots 1, 2, 3, SE¼NW¼, S½NE¼.
T. 18 N., R. 17 W.,
Sec. 36, S½SW¼, NW¼SW¼.
T. 19 N., R. 16 W.,
Secs. 8, 16 and 18.
T. 20 N., R. 14 W.,
Sec. 7, Lots 1, 2, 3, 4.
T. 20 N., R. 16 W.,
Sec. 32.
T. 20 N., R. 19 W.,
Sec. 2, N½N½.
T. 20 N., R. 20 W.,
Sec. 16;
Sec. 32, excepting patented mining claims.

PHX 084872

T. 38 N., R. 10 W.,
Sec. 36.

AR 034207

T. 11 S., R. 29 E.,
Sec. 22, NE¼NE¼;
Sec. 23, W½NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 26, NE¼.

AR 034820

T. 25 N., R. 13 W.,
Sec. 7, NW¼SE¼.

AR 034989

T. 39 N., R. 13 W.,
Sec. 7, Lots 2, 3 and 4.

AR 036033

T. 20 N., R. 15 W.,
Sec. 3, Lot 4, SW¼NW¼, W½SW¼.

AR 011074

T. 16 N., R. 19 W.,
Sec. 35.

AR 07524

T. 14 N., R. 13 W.,
Sec. 35, S½SW¼, NE¼SW¼.

A 6759

T. 26 N., R. 20 W.,
Sec. 10, N½.

A 6079

T. 17 N., R. 16 W.,
Sec. 1, Lots 1, 2, 3, SW¼NE¼, S½NW¼, S½;
Sec. 5;
Sec. 9, S½;
Sec. 11.
T. 18 N., R. 16 W.,
Sec. 11, S½NE¼, N½SE¼, SW¼SE¼, NE¼SW¼, S½SW¼;
Sec. 13, SW¼NW¼;
Sec. 15, S½NE¼, NW¼SE¼, S½S½;
Sec. 19;
Sec. 21, NE¼, E½NW¼, SW¼NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 23, NW¼NW¼, S½NW¼, SW¼;
Sec. 25, NE¼, E½NW¼, NW¼NW¼, SE¼SE¼;
Sec. 27, N½SW¼;
Sec. 29, NE¼NE¼, W½NE¼, W½, SE¼;
Sec. 31, E½NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 33.
T. 18 N., R. 17 W.,
Secs. 23 and 25.
T. 20 N., R. 19 W.,
Secs. 5, 7, 17, 19, 29 and 31.

A 1469

T. 26 N., R. 21 W.,
Sec. 33, SW¼.

A 1385

T. 25 N., R. 18 W.,
Sec. 17, S½, SW¼NE¼;
Secs. 21 and 29.

The areas described aggregate approximately 54,540.00 acres in Graham, Maricopa, Mohave and Yuma counties.

2. The United States did not acquire the mineral rights on any of the land described in paragraph 1 with the exception of the land described under Serial nos. PHX 080547, AR 034207 and AR 034989.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open to operation of the public land laws including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to February 15, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602–261–3706).

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-37222 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 9141]

Oregon; Termination of Exchange Classification

1. By Order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on January 4, 1973 (38 FR 810), the following described public land was classified for disposal through exchange pursuant to the Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g):

Willamette Meridian

T. 2 S., R. 7 E.,
Sec. 33, Lots 2, 3, 5, 8 to 11, inclusive, 13, 16, 17, 19, 21, 22, 25, 27 to 29, inclusive, 33, and 35.

The area described contains 21.875 acres in Clackamas County.

2. The exchange authority cited has been repealed by Section 705 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1701). Accordingly, the classification is no longer applicable and is terminated upon publication of this notice in the **Federal Register.**

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: December 21, 1981.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-37208 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 11469 (WASH)]

Washington; Proposed Withdrawal and Reservation of Lands; Amendment

In a notice published in the **Federal Register** of February 4, 1977, FR Doc. 77–3464, Page 6915, an allowance of 25 days was made for comments concerning the proposal by the U.S. Forest Service to withdraw 2,898 acres of land for the Hannegan Road and Whatcom Pass Trail Travel Influence Zone within the Mt. Baker National Forest in Whatcom County. An additional 65 days from the date of this publication is hereby provided for interested persons to comment or request a public meeting. All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 2965, Portland, Orgeon 97208.

Dated: December 21, 1981.

Champ C.Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-37209 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

Coal Leases; Colorado and Utah; Uinta-Southwestern Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Advance notice of intent to call for Expressions of Interest in coal leasing.

SUMMARY: The planning amendment for the North Fork Planning Unit Management Framework Plan, Colorado, for coal leasing has been protested by the Terror Creek Ditch and Reservoir Company and the Western Slope Energy Research Center, Inc. Consequently, to adhere to the existing coal activity planning schedule, the call for Expressions of Interest will be reduced to thirty days in length.

The purpose of this notice is to give parties, who may wish to express interest in areas found satisfactory for further consideration, an early opportunity to begin preparation of their Expression(s) of Interest. All parties should note that boundaries of study tracts may be adjusted as a portion of the protest process.

ADDRESSES: Requests for specific information and maps of areas acceptable for further consideration for coal leasing may be submitted in advance of formal publication of calls for Expressions of Interest to the following:

Bureau of Land Management, Colorado State Office, 1037 20th Street, Denver CO 80202, Attention: Kenneth Smith
Bureau of Land Management, Montrose District Office, P.O. Box 1269, Montrose CO 81401, Attention: Lynn Lewis

FOR FURTHER INFORMATION CONTACT:

Kenneth P. Smith, Coal Program Specialist, (303) 837–3008
Lynn Lewis, Coal Coordinator, (303) 322–6380.

SUPPLEMENTARY INFORMATION: Lands found suitable for further leasing consideration prior to the protest consisted of two study areas found in the following townships:

Area 1—T. 13 S., R. 95 W., 6th P.M.
Area 2—T. 13 S., R. 91 W., 6th P.M.
T. 13 S., R. 92 W., 6th P.M.

Dated: December 16, 1981.

Bob Moore,

Associate State Director, Colorado.

[FR Doc. 81-37284 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

Elko District, Nevada; Proposed Classification Decision; Correction

In FR Doc. 81–31272, filed October 27, 1981, and appearing on page 53221 of the issue for October 28, 1981, the following corrections should be made.

The legal citation for the Desert Land Act reads "(19 Stat. 377; 43 USC 231)", and should read "(19 Stat. 377; 43 USC 321–323 as amended)."

The legal description reads "T. 31 N., R. 59 E., Sec. 13 NE¼," and should read "T. 31 N., R. 59 E., Sec. 13 NW¼."

Dated: December 18, 1981.

Merle N. Good,

Acting District Manager.

[FR Doc. 81-37240 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

Oregon and Washington Wilderness Planning; Commencement or Continuation of Wilderness Studies in Lakeview, Burns, Vale, Prineville, Baker, Medford, Coos Bay, and Spokane Districts

In accordance with 43 CFR 1601.3(g) notice is hereby given of resource planning activity now underway.

The proposed action is the preparation of a series of wilderness Management Framework Plan (MFP) amendments in the Lakeview, Burns, Baker, Prineville, Coos Bay and Spokane Districts.

The purpose of the plan amendments and other on-going total-plan revisions is to determine the suitability or unsuitability for wilderness designation of 89 Wilderness Study Areas (WSAs) on Bureau of Land Management (BLM) managed public lands. The plan amendment and revision processes, together with a wilderness environmental impact statement (EIS) for all WSA's in Oregon, will result in preliminary suitability recommendations for the Oregon WSA's which will be forwarded to the BLM Director in late 1984. An environmental assessment of wilderness designation alternatives will be prepared to determine whether an EIS is required for the two WSA's in Washington. The preliminary suitability recommendations for the Washington WSA's will be submitted to the Director in 1983, unless an EIS is considered necessary. The Director will submit his recommendations to the Secretary of the Interior, who will make final recommendations to the President. The President will send them to Congress. Congress will make the final decision on which study areas or portions of study areas will be designated wilderness.

Where the studies are being conducted in MFP amendments, study areas not designated as wilderness by Congress will be managed according to land use decisions already present in the appropriate MFP. Conversely, on-going total-plan revisions will develop alternatives which provide management direction if individual WSAs are not designated as wilderness by Congress.

Specific management direction, including any constraints on existing uses, will be incorporated in wilderness management plans which will be prepared for each wilderness area after designation by Congress.

The 89 wilderness study areas are located in eight BLM Districts in Oregon and Washington. Specific information and locations of the WSA's is available in the March 1980 and November 1980 (revised on March 25, 1981) final inventory reports and a June 1981 wilderness status map. Copies of the map are available from, and the reports may be reviewed in, the eight district offices listed in the title of this notice and in the BLM state office in Portland.

Plan revisions incorporating wilderness studies are now underway in the Vale and Medford Districts and in portions of the Lakeview, Burns and Prineville Districts. The start of those studies has been announced in previous **Federal Register** notices. The purpose of this notice is to announce the start of studies on the remaining WSA's. The plans to be amended for these new starts, the WSA's to be studied, and the Districts involved are as follows:

Lakeview District—High Desert MFP, Lake County, Oregon:
- Devils Garden Lava Bed, OR–1–2, 29,640 acres
- Squaw Ridge Lava Bed, OR–1–3, 28,320 acres
- Four Craters Lava Bed, OR–1–22, 12,120 acres
- Sand Dunes, OR–1–24, 15,520 acres
- Diablo Mountain, OR–1–58, 113,120 acres

Lakeview District, Warner Lakes MFP, Lake and Harney Counties, Oregon:
- Orejana Rim, OR–1–78, 22,800 acres
- Abert Rim, OR–1–101, 22,240 acres
- Monument Flat, OR–1–117(B), 18,580 acres
- Guano Creek, OR–1–132, 10,560 acres
- Spaulding Reservoir, OR–1–139(B), 65,720 acres

Prineville District, John Day River MFP, Sherman, Gilliam and Wheeler Counties:
- Thirtymile, OR–5–1, 7,560 acres
- Lower John Day, OR–5–6, 19,370 acres
- North Pole Ridge, OR–5–8, 6,062 acres
- Spring Basin, OR–5–9, 5,982 acres

Baker District, Baker MFP, Baker and Wallowa Counties:
- McGraw Creek, OR–6–1, 1,610 acres
- Homestead, OR–6–2, 10,700 acres
- Sheep Mountain, OR–6–3, 6,350 acres

Baker District, Grande Ronde MFP, Wallowa County:
- Cashe Creek Ranch, OR–6–10, 2,935 acres*
  *Includes 975 acres in Asotin County, Washington

Coos Bay District, South Coast MFP, Curry County:
- North Sisters Rocks, OR–12–8, approx. 3 acres
- Zwagg Island, OR–12–14, approx. 5 acres

Spokane District, Upper Columbia MFP, Okanogan County:
- Chopaka Mountain, OR–13–2, 5,520 acres

Spokane District, San Juan MFP, San Juan County:
- Little Patos, OR–13–24, approx. 15 acres.

On-going total plan revisions (for all resources including wilderness) have previously been announced in the **Federal Register** and other media. Details of the plan schedules and remaining opportunities for public involvement and comment may be obtained from the respective District Offices. The plan revision names, responsible Districts, original **Federal Register** Notice of Intent publication date and pertinent counties are as follows:

Plan name	District	FR notice	Counties
Andrews	Burns	1/8/81	Harney and Malheur.
Drewsey (amend)	Burns	1/8/81	Harney.
John Day (amend)	Burns	1/28/81	Grant and Harney.
N. Malheur	Vale	1/8/81	Harney and Malheur.
S. Malheur	Vale	1/8/81	Harney and Malheur.
Brothers	Prineville	1/5/81	Deschutes and Crook.
Jackson/Klamath	Medford	5/7/81	Jackson and Klamath.

In addition the Steelhead Falls WSA (OR–5–14) in Jefferson and Deschutes Counties will be studied in conjunction with the Ochoco National Forest during their evaluation of the adjacent Deschutes Canyon RARE II further planning area.

The schedule for the study of all WSA's in Oregon and Washington and all other states was published in the **Federal Register** on November 18, 1981 (Vol. 46, No. 222, pp. 56736–56760).

A number of issues have been identified during the inventory stage of the Bureau's wilderness review. Major issues vary between wilderness study areas depending on size, physical access, current or possible future commercial uses or values and potential management constraints. The issues applicable to all WSA's are: Should all, or portions, of the WSA be recommended as suitable for designation by Congress as a wilderness area; is the WSA manageable (can BLM or some other Federal agency maintain the wilderness character of the area over the long term); what commercial uses, if any, will be foregone or foreclosed if the area or a portion of it is designated wilderness; and what wilderness values will be lost or impaired if the area or a portion of it is not designated wilderness? In addition, eleven BLM study areas are adjacent to existing Forest Service or Fish and Wildlife Service designated or proposed wilderness areas. In these cases, if the BLM lands are designated wilderness by Congress, is any special management coordination required with the other agency? Are there special values in the study areas that require protection regardless of the outcome of the wilderness review/designation process? There is also a concern that wilderness designation will eliminate or heavily restrict the use of motor vehicles for grazing management, recreational use, and mineral exploration. The potential for interference with, geothermal, oil and gas or locatable minerals exploration and production is also of economic concern.

In order to properly analyze and consider the issues, an interdisciplinary team will be used. Each District will use appropriate resource skills on the planning team including, as appropriate, wildlife biology, outdoor recreation planning, soil science, hydrology, range management, forestry, minerals and geology, lands, fire ecology, and economics.

The following planning criteria and quality standards for analysis and documentation will be used in the study process:

A. Evaluation of wilderness values;

B. Evaluation of Areas Manageability as Wilderness;

C. Energy and Critical Mineral Resource Values;

D. Impacts on Other Resources;

E. Impacts of Non-designation on Wilderness Values;

F. Public Comment;

G. Local Socio-economic Effects;

H. Consistency with Other Plans.

These criteria and standards will be used to determine the level of analysis required for each issue, and to assist in formulating alternatives, identifying the preferred alternative, and in estimating the effects of the alternatives.

During the study, various sectors of the public will be requested to provide data needed for the analysis. As the planning process proceeds, the public will be asked to become involved through open houses and public meetings. Future meeting dates, times, and locations will be announced in the **Federal Register** and media. The initial open house sessions to obtain public comment on the issues which should be considered in the studies being started at this time will be held at the following locations and times:

Date, Time and Location (District Office Addresses)

January 25, 1:00–4:00 p.m. 7:00–9:00 p.m.—BLM Oregon State Office (basement) conference room, 729 NE Oregon Street, Portland, Oregon 97208

January 26, 7:00–8:30 p.m.—Lakeview District Office, 1000 S. 9th Street (P.O. Box 151), Lakeview, Oregon 97630

January 26, 10:00 a.m.–4:00 p.m.—Coos Bay District Office, 333 S. 4th Street, Coos Bay, Oregon 97420

January 27, 1:00–4:00 p.m.—Prineville District Office, 185 E 4th Street (P.O. Box 550), Prineville, Oregon 97754

January 27, 10:00 a.m.–5:00 p.m.—Baker District Office, 1550 Dewey Ave. (P.O. Box 987), Baker, Oregon 97814

January 27, 9:00 a.m.–4:00 p.m. and 7:00–9:00 p.m.—Spokane District Office, East 4217 Main Avenue, Spokane, Washington 99207.

We would appreciate your written or oral comments and suggestions on the proposed issues and planning criteria by February 26, 1982. Your comments should be as specific as possible and directed to the appropriate District Managers.

For further information contact the appropriate District Managers at the above addresses. Documents will be available for public review during normal working hours at the District Offices.

Dated: December 22, 1981.

William G. Leavell,

State Director.

[FR Doc 81-37239 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

Prineville District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Prineville District Grazing Advisory Board will be held January 28, 1982.

The meeting will begin at 1:30 p.m. in the conference room of the Bureau of Land Management office at 185 East 4th Street, P.O. Box 550, Prineville, Oregon 97754.

The agenda will include: (1) Expanded role of District Grazing Advisory Board, (2) Discussion of proposed rangeland management policies, including assignment of project maintenance responsibilities and criteria for characterizing allotments.

The meeting is open to the public. Anyone wishing to make oral or written statements to the board is requested to do so through the office of the District Manager, at the above named address, at least two days prior to the meeting date.

Summary minutes of the board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: December 17, 1981.

James L. Hancock,

Assistant District Manager.

[FR Doc. 81-37285 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

Salmon District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Salmon District of the Bureau of Land Management (BLM) announces a forthcoming meeting of the Salmon District Grazing Advisory Board.

DATE: The meeting will be held at 10:00 a.m., Friday, February 19, 1982.

ADDRESS: The meeting will be held at the Salmon District Office, Bureau of Land Management, Conference Room, South Highway 93, Salmon, Idaho 83467.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Public Laws 92–463 and 94–579. The purpose of the meeting will be to discuss

(1) Range program; (2) Fiscal year 82 projects; (3) Assignment of Maintenance Responsibilities.

The meeting is open to the public. Anyone may make oral statements to the Board or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467, by February 12, 1982.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection within 30 days following the meeting.

Dated: December 21, 1981.

Jerry W. Goodman,

Acting District Manager.

[FR Doc. 81-37237 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Final Land Use Planning Decision for Proposed Red Rim Coal Lease Tract

December 18, 1981.

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Final land use planning decision.

SUMMARY: A final land use planning decision has been approved for the proposed Red Rim coal lease tract in Carbon County by the Bureau of Land Management.

Maxwell T. Lieurance, BLM State Director, said the planning decision was delayed a year to obtain more information from ongoing wildlife and reclamation studies on a critical antelope winter range that would be affected by the proposed coal development. If the Red Rim tract is leased, the information obtained from these continuing studies would be appropriately utilized to assure the overall and long-range environmental integrity of the area.

In making the final land use planning decision, BLM determined that stipulated methods of coal mining on the Red Rim coal tract would not have a significant long-term impact on resident wildlife species of high interest to the State of Wyoming. Federal lands within the Red Rim coal tract are, therefore, determined to be acceptable for further consideration for coal leasing with certain stipulations: (1) No surface occupancy will be allowed on certain designated lands from any points 500 feet southeast of the easternmost minable coal seam to the eastern tract boundary as follows:

T. 20 N., R. 89 W., 6th P.M.,
Sec. 8, 18;
T. 20 N., R. 90 W., 6th P.M.,
Sec. 24, 26, 34;
T. 19 N., R. 90 W., 6th P.M.,
Sec. 4, 8.

(2) The lessee shall be required to mitigate for antelope habitat loss, where applicable, and the resultant loss or displacement of antelope due to surface coal mining operations. The lessee shall also be required to develop a habitat recovery and replacement plan, in consultation with and submitted for approval to, the BLM authorized officer and the State of Wyoming.

"It is our view that the combined effects of the continuing study efforts and the conditioned planning decision will provide adequate protection for the most critical antelope winter range area, while allowing development of the coal resource," Lieurance added.

EFFECTIVE DATE: This land use planning decision is effective December 31, 1981. The matter is now under consideration at BLM's Washington Office and pending the Department of the Interior's decision on offering the Red Rim tract for lease.

FOR FURTHER INFORMATION CONTACT: David J. Walter, District Manager, Rawlins District Office, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301, 307-324-7171, extension 200, or FTS 328-3200.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-37235 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL COMMUNICATION AGENCY

New Directions Advisory Committee, Meeting

The first meeting of the New Directions Advisory Committee will be on January 14, 1982 from 2:00 p.m. to 6:00 p.m. The meeting will be held in the Director's Conference Room, Suite 700, 1750 Pennsylvania Avenue, N.W., Washington, D.C. The purpose of the meeting will be to discuss the organization of the committee and how it can be of assistance to the Agency. All persons interested in attending the meeting or obtaining more information should contact Mr. Robert Reilly at 632-6716

Dated: December 24, 1981.

Jerry Inman,

Committee Management Officer.

[FR Doc. 81-37228 Filed 12-30-81; 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387 (Sub-No. 76)]

Farmrail Corp., Exemption for Contract Tariff ICC-FMRC-8000

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Donald Shaw or Jane Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: Farmrail Corporation (FMRC) filed a petition on December 15, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract tariff—ICC-FMRC-8000, to become effective on one day's notice. The tariff was originally issued November 5, 1981, and scheduled to become effective on December 20, 1981. However, on account of FMRC's failure to complete its filing with summaries of its contracts, it was not possible to act on the request prior to this time. It effectively renewed its request and completed its contract tariff filing on the indicated December 15 date when it filed its contract summaries with the instant petition. Its tariff ICC-FMRC-8000, had previously been received.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition is granted. FMRC is a new Class III switching carrier operating 35 miles of trackage between Clinton and Elk City, OK, over which route it switches traffic moving in interstate commerce. FMRC purchased this operation from the Trustee of the Chicago, Rock Island and Pacific Railroad Company. FMRC provides service to local industries, among others, who will guarantee a minimum annual traffic volume. It switches their traffic at a discount of 5 percent under its regular rates, as provided by Items 110 and 130 of its tariff ICC-FMRC-8000. So far, it has established contracts with 6

shippers, who expected this discounted service to begin on the explained December 20 date, which is now past. Therefore, there is an immediate need to have the tariff become effective as soon as possible. Under these circumstances, a provisional exemption is warranted.

FMRC's contract tariff may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

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

(49 U.S.C. 10505)

Dated: December 23, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37271 Filed 12-30-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-250

Decided: December 22, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Chandler not participating.

MC 2202 (Sub-675), filed December 9, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014, (301) 986-1410. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Ontario, CA, on the one hand, and, on the other, points in the US.

Note.—Applicant seeks to tack this authority with existing authority.

MC 7962 (Sub-3), filed December 7, 1981. Applicant: BLUFF CITY TRANSFER & STORAGE CO., 3569 Air Park, Memphis, TN 38118. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282-3809. Transporting *household goods*, between points in AL, AR, DE, FL, GA, IL, IN, KS, KY, LA, MD, MI, MO, MS, NC, NE, NJ, NY, OH, OK, PA, SC, TN, TX, VA, WV, and DC.

MC 37563 (Sub-9), filed December 11, 1981. Applicant: TILLAMOOK PORTLAND AUTO FREIGHT, INC., 2703 Third St., Tillamook, OR 97141. Representative: John G. McLaughlin, 1600 One Main Place, 101 SW Main St., Portland, OR 97204, (503) 224-5525. Transporting *general commodities* (except classes A and B explosives), (I) over regular routes: between Tillamook and Lincoln City, OR, over U.S. Hwy 101, serving all intermediate points; and (II) over irregular routes: between points in Lincoln County, OR.

MC 107162 (Sub-83), filed November 27, 1981. Applicant: NOBLE GRAHAM TRANSPORT, INC., R.R. 1, Brimley, MI 49715. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 53701, (608) 255-8891. Transporting (1) *lumber and wood products* between points in the U.S. in and east of MT, WY, CO, and NM, and (2) *construction materials*, (a) between points in MI, WI, MN, IL, IN, IA, and OH, and (b) between MI and WI, on the one hand, and, on the other, points in KY, TN, KS, NE and MO.

MC 125543 (Sub-15), filed December 7, 1981. Applicant: PERISHABLE SERVICES, INC., 770 North Springdale Rd., Waukesha, WI 53186. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5066, Madison, WI 53705-0066, (608) 238-3119. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Bonduel Pickling Company, Inc., of Bonduel, WI.

MC 138512 (Sub-43), filed December 11, 1981. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., d.b.a. WISCONSIN PROVISIONS EXPRESS, P.O. Box 656, Cudahy, WI 53110. Representative: Michael V. Kaney, P.O. Box 1000, 100 Waukegan Rd., Lake Bluff, IL 60044, (312) 295–5700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA.

MC 139923 (Sub-87), filed December 11, 1981. Applicant: MILLER TRUCKING CO., INC., 150 S. 8th St., Drawer D, Stroud, OK 74079. Representative: Daniel O. Hands, 205 W. Touhy, Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OK, on the one hand, and, on the other, points in the U.S.

MC 148183 (Sub-47), filed December 9, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004–1879, (202) 737–2188. Transporting *clay, concrete, glass or stone products*, between points in Thomas County, GA, and Tippah County, MS, on the one hand, and, on the other, those in the U.S. in and east of MT, WY, CO, and NM.

MC 151263 (Sub-2), filed November 18, 1981. Applicant: BARRINGTON HAULAGE CO., INC., 300 Treble Cove Rd., Billerica, MA 01862. Representative: James R. Barrington (same address as applicant), (617) 667–0909. Transporting (1) *lumber and building materials*, between points in NC, SC, and VA, on the one hand, and, on the other, points in the U.S.; (2) *machinery*, and (3) *metal products*, between points in NC, SC, and VA, on the one hand, and, on the other, points in the U.S. (except CT, MA, ME, NH, RI, and VT).

MC 155223 (Sub-4), filed December 1, 1981. Applicant: HIGHWAY EXPRESS, INC., 5742 W. Maryland, Glendale, AZ 85301. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602, (213) 945–3002. Transporting *plastic and rubber products* between points in the U.S. (except AK and HI), under continuing contract(s) with Searle Medical Products, USA, Inc. of Tucson, AZ.

MC 155993 (Sub-1), filed December 10, 1981. Applicant: ISIS LEASING CORP., 5800 Stilwell, Kansas City, MO 64120. Representative: E. Wayne Farmer, City Center Square—27th Floor, P.O. Box 26010, Kansas City, MO 64196, (816) 474–6420. Transporting *such commodities* as are dealt in or used by grocery, restaurant and food business houses, and hotels, between points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, VA, WA, WV, WI, and WY.

MC 158823, filed December 8, 1981. Applicant: RAY STANDARD TRUCKING, 8240 Sherwood Blvd., Los Molinos, CA 96055. Representative: Raymond G. Standard (same address as applicant), (916) 384–1549. Transporting *lumber and lumber products*, between points in the U.S., under continuing contract(s) with Louisiana Pacific Corp., of Red Bluff, CA.

MC 158863, filed November 20, 1981. Applicant: J. M. REFRIGERATED LINES, INC., One Rock River Rd., P.O. Box 269, Jefferson, WI 53549. Representative: Harold O. Orlofske, 145 West Wisconsin Ave., P.O. Box 368, Neenah, WI 54956, (414) 722–2848. Transporting *food and related products*, (1) between points in Jefferson, Dane, and Brown Counties, WI and Reno County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) between Toledo, OH, on the one hand, and, on the other, points in IN, KY, MI, PA, WV, and WI, and (3) between the facilities of (a) Vermont Meat Packers, Inc., (b) RuPari Food Service, and (c) Regau Foods a Division of Mineer Foods Ltd, at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159302 (Sub-1), filed December 7, 1981. Applicant: BARRY LESMEISTER, 521 West Indiana, Unit A, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502, (701) 223–5300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Premium Beverages Inc., of Bismarck, ND.

MC 159412, filed November 24, 1981. Applicant: GRAD TRAVEL SYSTEMS, INC., 9 Dawson Avenue, West Orange, NJ 07052. Representative: Barry I. Cohen (same address as applicant), (201) 325–1306. As a *broker* at West Orange, NJ, in arranging for the transportation by motor vehicle, of *passengers and their baggage, in the same vehicle with passengers*, in round-trip special and charter operations, beginning and ending at points in NY, NJ, CT, and PA, and extending to points in the U.S.

Volume No. OPY–2–251

Decided: December 21, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 133302 (Sub-8), filed November 13, 1981. Applicant: WICHITA SOUTHEAST KANSAS TRANSIT, INC., 1801 South 21st St., P.O. Box G, Parsons, KS 67357. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137, (901) 767–5600. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Joplin, MO, and Oklahoma City, OK, over Interstate Hwy 44, serving all intermediate points; serving points in OK on and east of Interstate Hwy 35 and on and north of Interstate Hwy 40 as off-route points, and serving points in Barton, McDonald, Newton and Vernon Counties, MO as off-route points; (2) between Wichita, KS, and Dallas, TX: from Wichita over Interstate Hwy 35 to junction Interstate Hwy 35E, then over Interstate Hwy 35E to Dallas, and return over the same route, serving all intermediate points; (3) between S. Coffeyville, OK, and Fort Smith, AR: from S. Coffeyville over U.S. Hwy 169 to junction Muskogee Turnpike, then over Muskogee Turnpike to junction Interstate Hwy 40, then over Interstate Hwy 40 to Fort Smith, and return over the same route, serving all intermediate points, and serving points in Benton and Washington Counties, AR as off-route points. (4) between Joplin, MO, and Fort Smith, AR, over U.S. Hwy 71, serving all intermediate points: (5) between Parsons, KS, and Dallas, TX: from Parsons over U.S. Hwy 59 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction U.S. Hwy 69–75, then over U.S. Hwy 69–75 to junction U.S. Hwy 75, then over U.S. Hwy 75 to Dallas, and return over the same route, serving all intermediate points. (6) between Tulsa, OK, and junction Indian Nation Turnpike and U.S. Hwy 69 over Indian Nation Turnpike, and: (7) between Tulsa, OK, and junction Cimarron Turnpike and Interstate Hwy 35 over Cimarron Turnpike.

MC 145803 (Sub-9), filed November 30, 1981. Applicant: RONALD E. REED, d.b.a. TRIPLE R TRUCKING, R.F.D., Laurens, IA 50554. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–6164. *Food and related products*, (1) between points in IL, IA, MN, MO and NE, on the one hand, and on the other, points in the U.S. and (2) between the facilities used by John Morrell & Co. at points in the U.S., on the one hand, and on the other, points in the U.S.

MC 146553 (Sub-26), filed November 30, 1981. Applicant: ADRIAN

CARRIERS, INC., 1822 Rockingham Rd., Davenport, IA 52808. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, 515-243-6164. Transporting (1) *such commodities* as are dealt in or used by distributors of foundry supplies, between points in Lewanee County, MI, Calhoun County, AL, and Crook County, WY, on the one hand, and, on the other, points in IA and Rock Island County, IL, (2) *chemicals and related products*, between points in Rock Island County, IL, on the one hand, and, on the other, points in IA, IN, KY, MI, MN, MO, NE, and WI, and (3) *metal products*, between points in Scott County, IA, on the one hand, and, on the other, those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada.

MC 147913 (Sub-4), filed November 30, 1981. Applicant: T-LINE, INC., 350 First St., S.W., New Brighton, MN 35112. Representative: Robert L. Cope, 1730 M St., NW, Suite 501, Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in the U.S., (except AK and HI), under continuing contract(s) with Commerce of Minnesota, Inc., of Minneapolis, MN.

Volume No. OPY-5-228

Decided: December 17, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 1759 (Sub-44), filed December 10, 1981. Applicant: FROEHLICH TRANSPORTATION CO., INC., Federal Rd., Danbury, CT 06810. Representative: Gerald A. Josloff, 410 Asylum St., Hartford, CT 06103, 203-728-0700. Transporting *food and related products*, between points in ME, NH, VT, CT, MA, RI, NY, NJ, and PA.

MC 2698 (Sub-5), filed December 11, 1981. Applicant: VANDALIA BUS LINES, INC., 312 West Morris St., Caseyville, IL 62232. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. Transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations beginning and ending at points in MO and IL and extending to points in the U.S.

MC 15558 (Sub-11), filed December 7, 1981. Applicant: WARWOOD TRANSFER CO., 2233-41 Warwood Ave., Wheeling, WV 26003. Representative: James M. Burtch, 100 East Broad St., Suite 1800, Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission) between points in the U.S., under continuing contract(s) with the Pillsbury Company, of Minneapolis, MN.

MC 85578 (Sub-4), filed December 7, 1981. Applicant: W. M. BURNETT TRUCK LINE, INC., P.O. Box 206, Haleyville, AL 35565. Representative: Donald B. Sweeney, Jr., P.O. Box 2366, Birmingham, AL 35201, 205-254-3880. Part I: Transporting (1) *General commodities* (except classes A and B explosives), between Birmingham, AL, and points in Winston County, AL; (2) *lumber and wood products*, between points in Walker, Morgan and Winston Counties, AL; (3) *textile mill products* and *machinery*, between points in Winston County, AL on the one hand, and, on the other, points in Cullman, Morgan and Limestone Counties, AL; (4) *metal products* (a) between points in Winston and Fayette Counties, AL; and (b) between points in Marshall County, AL on the one hand, and, on the other, points in Winston County, AL. Part II: over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Belmont, MS and Haleyville, AL: (a) From Belmont over MS Hwy 366 to the junction of AL Hwy 172, then over AL Hwy 172 to the junction of AL Hwy 5 to Haleyville, and return; (b) from Belmont over MS Hwy 366 to the junction of AL Hwy 24, then over Hwy 24 to junction of US Hwy 43, then over US Hwy 43 to junction of AL Hwy 5, then over AL Hwy 5 to Haleyville, and return; (2) between Belmont, MS and Florence, AL: (a) from Belmont over MS Hwy 366 to the junction of AL Hwy 24, then over AL Hwy 24 to the junction of US Hwy 43, then over US Hwy 43 to Florence, and return; (b) from Belmont over MS Hwy 366 to the junction of AL Hwy 24, then over AL Hwy 24 to the junction of AL Hwy 247, then over AL Hwy 247 to the junction of US Hwy 72, then over US Hwy 72 to the junction of US Hwy 43, then over US Hwy 72 and 43 to Florence and return; (3) between junction of AL Hwy 5 and 237, then over AL Hwy 237 to the junction of AL Hwy 5 to Haleyville and return; (4) between Haleyville and Florence, AL: (a) from Haleyville over AL Hwy 5 to the junction of US Hwy 43, then over US Hwy 43 to Florence, and return; (b) from Haleyville over AL Hwy 5 to the junction of AL Hwy 172, then over AL Hwy 172 to the junction of US Hwy 43, then over US Hwy 43 to Florence, and return; (5) serving all intermediate points in connection with Routes (1) through (4) above, and serving all points in Lauderdale, Colbert, Franklin and Lawrence Counties, AL as off-route points in connection with Parts I and II. Condition: Any Certificate issued in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of all existing Certificates of Registration.

Note: Applicant intends to tack the authority sought in Part II with existing authority to be converted in Part I from a Certificate of Registration in MC-85578 Sub 1, Issued December 8, 1969 and Sub 3, Issued October 24, 1973 to a Certificate of Public Convenience and Necessity.

MC 107028 (Sub-29), filed December 10, 1981. Applicant: ACME TRANSPORTATION, INC., 2832 Giant Road, San Pablo, CA 94804. Representative: Thomas M. Loughran, 100 Bush St., San Francisco, CA 94104, (415) 986-5778. Transporting *commodities in bulk*, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 108378 (Sub-10), filed December 7, 1981. Applicant: SUN VALLEY BUS LINES, INC., 600 East Jefferson St., Phoenix, AZ 85004. Representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, AZ 85014, (602) 264-4891. To engage in operations as a *broker* at Las Vegas, NV, in interstate or foreign commerce, arranging for the transportation of *passengers and their baggage* in same vehicle with passengers, between points in Clark County, NV, on the one hand, and, on the other, points in the U.S.

MC 133758 (Sub-1), filed December 7, 1981. Applicant: PRINCE BROS., INC., 503 Fulton Street, Antigo, WI 54409. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (609) 273-1003. Transporting (1) *food and related products*, under continuing contract(s) with (a) Reinerio Beverages, Inc., Lakeside Distributing Co., Inc., and Doane Distributing, Inc., all of Ashland, WI, (b) Eugene J. McKenna, d.b.a. Geno McKenna & Sons, and Vavruska Distributing Co., both of Antigo, WI, (c) Bertagnoli Distributing Co., Inc., of Hurley, WI, (d) Eagle River Distributing Co., Inc., of Eagle River, WI, (e) H & H Distributing Co., Inc., of Rhinelander, WI, and (2) *wood products*, under continuing contract(s) with Zelazoski Wood Products, Inc., of Antigo, WI, between points in the U.S.

MC 139638 (Sub-11), filed December 7, 1981. Applicant: N. L. MONTGOMERY, INC., P.O. Box 626, Rocky Mount, VA 241551. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510.Transporting *lumber and lumber mill products*, between points in Greene County, TN, and GA and SC, on the one hand, and, on the other, points in NC, OH, VA, TN, WV, KY, IN, and IL.

MC 151508 (Sub-2), filed December 2, 1981. Applicant: BARY, INC., 6001 Crittenden Drive, P.O. Box 35354, Louisville, KY 40232. Representative: Jack L. Bary, 1303 Blackwood Court, Jeffersonville, IN 47130, (812) 28. Transporting (1) *machinery and furniture and related products*, under continuing contract(s) with Hart Fireplace Furnishings, Division of S & T Industries, Inc., of New Albany, IN, and (2) *chemicals and related products*, under continuing contract(s) with Borden, Inc., of Columbus, OH, between points in the U.S.

MC 154408, filed December 11, 1981. Applicant: H. S. C. LOGGING, INC., P.O. Box 306, Carson, WA 98610. Representative: Ottis D. Holwegner (same address as applicant), (509) 427–5221. Transporting *machinery*, between points in Klickitat, Skamania, Cowlitz, Yakima, and Clark Counties, WA, on the one hand, and, on the other, points in Multonomah, Marion, Lane, Hood River, Wasco Counties, and Eugene OR.

MC 156648, filed December 19, 1981. Applicant: RICHARD COOK d.b.a. COOK'S BUS CO., P.O. Box 648, El Verando, CA 95433. Representative: Richard Cook (same address as applicant), 415–524–5404. Transporting *passengers and their baggage* in the same vehicle with passengers in special and charter operations, between points in the U.S.

MC 157049 (Sub-1), filed December 10, 1981. Applicant: AMATO MOTORS, INC., 977 West Cermak Rd., Chicago, IL 60608. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–6880. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IA, IL, MI, WI, MO, OH, IN, and MN.

MC 158459, filed December 4, 1981. Applicant: R. B. R. TRUCKING, INC., 211 Kocher St., Rockton, IL 61702. Representative: Edward D. McNamara, Jr., 907 South Fourth St., 217–528–8476. Transporting *such commodities* as are dealt in, or used by, manufacturers or distributors of water conditioning equipment, between points in the U.S. under continuing contract(s) with Illinois Water Treatment Co. of Rockford, IL.

Volume No. OPY–5–229

Decided: December 18, 1981.

By the Commission, Review Board Number 3, Members Krock, Jouce and Dowell.

FF 279 (Sub-2), filed December 11, 1981. Applicant: MID-PACIFIC FORWARDING CO., INC., d.b.a. HAWAIIAN CARGO EXPEDITERS, 5480 Ferguson Dr., No. 302, Los Angeles, CA 90022. Representative: Milton W. Flack, 8383 Wilshire Blvd., No. 900, Beverly Hills, CA 90211, 213–655–3573. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. on the one hand, and, on the other, points in HI.

MC 41098 (Sub-71), filed December 11, 1981. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, 202–833–8884. Transporting *used automobiles*, between points in the U.S.

MC 62978 (Sub-1), filed December 10, 1981. Applicant: ALL FREIGHT DISTRIBUTION CO., INC., 6201 Seaforth St., Baltimore, MD 21224. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Transporting *general commodities* (except classes A and B explosives), between points in DE, MD, NJ, NY, PA, VA, OH, and WV.

MC 84728 (Sub-67), filed December 14, 1981. Applicant: SAFEWAY TRAILS, INC., 1200 Eye St., NW., Washington, DC 20005. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655–7937. Transporting *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between Baltimore, MD, and Lancaster, PA, from Baltimore over Interstate Hwy 83 to York, PA, and then over U.S. Hwy 30 to Lancaster.

MC 88368 (Sub-57), filed December 4, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902, (301) 649–5074. Transporting *such commodities* as are dealt in or used by hardware, building materials, equipment and supplies, garden implements and supplies, household furnishings, and home improvement products stores (1) between points in OH and IN and those points in the U.S. in and west of MI, IL, MO, OK, and TX, and (2) between points in (1), on the one hand, and, on the other, points in the U.S.

MC 98938 (Sub-8), filed December 15, 1981. Applicant: SEVERANCE TRUCKING CO., INC., 7 Walnut Hill Park, Woburn, MA 01801. Representative: Mary E. Kelley, 22 Stearns Ave., Medford, MA 02155, (617) 396–4090. Transporting *general commodities* (except classes A and B explosives), between points in MA, NH, and RI, on the one hand, and, on the other, points in VT and CT.

MC 113158 (Sub-55), filed September 9, 1981, previously noticed in FR issue of September 25, 1981. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, MD 21664. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215) 365–5141. Transporting *food and related products*, between points in Shenandoah County, VA, on the one hand, and, on the other points in TX.

Note: Coincidental cancellation, at applicant's written request of Certificate MC 113158 Sub 55 in this proceeding served November 25, 1981. This republication corrects the commodity description.

MC 117068 (Sub-141), filed December 9, 1981. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, MN 55901. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, D.C. 20005–2075, (202) 347–3987. Transporting *machinery and metal products*, between points in the U.S.

MC 119099 (Sub-42), filed December 14, 1981. Applicant: BJORKLUND TRUCKING, INC., First Ave. N.E. and 8th St., Buffalo, MN 55313. Representative: Val M. Higgins, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting *lumber and wood products, forest products*, and *building materials*, between points in MN, on the one hand, and, on the other, points in IL, IN, IA, MI, NE, WI, ND and SD.

MC 128539 (Sub-20), filed December 7, 1981. Applicant: EAGLE TRANSPORTATION CORPORATION, P.O. Box 4718, 3204 Sunset Ave., Rocky Mount, NC 27801. Representative: James F. King, Jr. (same address as applicant), (919) 446–4194. Transporting *food and related products*, between points in AL, FL, GA, KY, MD, NC, SC, TN, VA, WV, and DC.

MC 133858 (Sub-2), filed December 10, 1981. Applicant: THE COTTER GARAGE CORPORATION, 86 Granby St., Bloomfield, CT 06002. Representative: James T. Graham, One Constitution Plaza, Hartford, CT 06103, (203) 547–1120. Transporting *passengers and their baggage and newspapers*, in

the same vehicle with passengers, (a) between Hartford, CT, and New York, NY, under continuing contract(s) with Aetna Life & Casualty Company, of Hartford, CT, and (b) between Hartford, East Hartford, and Farmington, CT, and New York, NY, under continuing contract(s) with United Technologies Corporation of Hartford, CT.

MC 134319 (Sub-17), filed December 14, 1981. Applicant: BRAAFLADT TRANSPORT COMPANY, P.O. Box 1065, Dimmit, TX 79027. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Transporting *fertilizers* and *chemicals*, between points in OK, TX, KS, MO, AR, NM, and CO.

MC 136818 (Sub-138), filed December 11, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 W. Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602) 275–3124. Transporting *pulp, paper and related products*, between points in the U.S. (except AK and HI).

MC 138438 (Sub-112), filed December 11, 1981. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739–4860. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S.

MC 143308 (Sub-1), filed December 4, 1981. Applicant: GENERAL TRUCKING SERVICE, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with SCM Corporation of Cleveland, OH.

MC 145669 (Sub-1), filed December 2, 1981. Applicant: PETROLEUM TANK LINE, 2600 Rice Ave., West Sacramento, CA 95691. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006, (202) 833–8884. Transporting *petroleum and petroleum products* between points in CA, on the one hand, and, on the other, points in NV and OR.

MC 148298 (Sub-2), filed December 15, 1981. Applicant: THARP SALES & SERVICE, INC., 1204 Oklahoma Ave., Trenton, MO 64683. Representative: W. R. England, III, P.O. Box 456, Jefferson City, MO 65102, 314–635–7166. Transporting *fertilizer and fertilizer ingredients*, in bulk, between the facilities of Cheveron Chemical Co. at Fort Madison, IA, and Sugar Creek, MO, on the one hand, and, on the other, points in IA, MO, NE and KS.

MC 148868 (Sub-3), filed December 15, 1981. Applicant: MALM CO., INC., 908 Denargo Market, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203, (303) 837–1204. Transporting *food and related products* between points in AR, AZ, CA, KS, NE, LA, MS, MO, OK, and TX, on the one hand, and, on the other, points in CO.

MC 149029 (Sub-5), filed December 14, 1981. Applicant: VANWORMER TRUCKING, INC., Star Route, Cranberry, PA 16319. Representative: Dwight L. Koerber, Jr., 110 North Second St., Clearfield, PA 16830, 814–765–9611. Transporting *petroleum and petroleum products, containers*, and *such commodities* as are dealt in or used by automotive supply and service centers, (a) between points in Allegheny, Butler, and Crawford Counties, PA, on the one hand, and, on the other, points in CT, RI, MA, VT, NH, ME, OH, PA, NY, IN, WV, WI, IL, KY, VA, MD, MI, DE, NJ, and DC, (b) between points in Erie County, NY; Pleasants and Hancock Counties, WV; and Venango, Warren, and McKean Counties, PA, on the one hand, and, on the other, points in RI, MA, VT, NH, and ME.

MC 149069 (Sub-3), filed December 14, 1981. Applicant: KEPPEL CORPORATION, Route 1, Box 213, Staunton, VA 24401. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030, 703–691–0900. Transporting *automotive tires and automotive tire parts*, between points in Summit, Franklin, Hancock, and Trumbull Counties, OH; Coahoma County, MS; St. Louis County, MO; Miller County, AR and Union County, NJ, on the one hand, and, on the other, points in VA.

Volume No. OPY–5–230

Decided: December 18, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 149199 (Sub-12), filed December 10, 1981. Applicant: FRONTIER EXPRESS, INCORPORATED, d.b.a. D & M TRANSPORTATION, 905 SW Second, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262–1322. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of mining and drilling equipment and supplies, between Los Angeles, CA, and points in Jefferson County, AL, Pima County, AZ, San Bernardino County, CA, Mesa County, CO, Vanderburgh County, IN, St. Louis County, MN, Silver Bow County, MT, Kay County, OK, and Natrona County, WY, on the one hand, and, on the other, points in the U.S.

MC 151118 (Sub-15), filed December 15, 1981. Applicant: M.D.R. CARTAGE, INC., 518 West Johnson St., Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting (1) *metal products*, and (2) *machinery*, between Chicago, IL, and points in Lawrence and Randolph Counties, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152439 (Sub-3), filed December 15, 1981. Applicant: WILLETT INTERSTATE SYSTEM, INC., 3901 S. Ashland Ave., Chicago, IL 60609. Representative: Donald S. Mullins, 1033 Graceland Ave., DesPlaines, IL 60016, (312) 298–1094. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with W. W. Grainger, Inc., of Chicago, IL.

MC 154118 (Sub-1), filed December 14, 1981. Applicant: ANDERSON & JOURGENSEN TRUCK LINE, INC., P.O. Box 6, Ennis, TX 75119. Representative: James W. Hightower, First Continental Bank Bldg. #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, 214–339–4108. Transporting *chemicals and related products* and *machinery*, between points in the U.S. under continuing contract(s) with Traffic Paint Mfg., Inc. of Hannibal, MO and Steuber Company, Inc. of Houston, TX.

MC 154328 filed December 14, 1981. Applicant: SMOKEY POINT DISTRIBUTING, INC., P.O. Box 189, 18128 67th Ave., NE, Arlington, WA 98223. Representative: Matt Berry (same address as applicant), (206) 435–5737. Transporting *shelving*, between points in the U.S. under continuing contract(s) with Easy Up Shelving, Inc., of Seattle, WA.

MC 156319 (Sub-1), filed December 15, 1981. Applicant: GALEN O. KING, d.b.a. G.O.K. TRUCKING, 4792 S. State Rte. 53, Tiffin, OH 44883. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *rubber and plastic products* between points in St. Joseph County, IN, on the one hand, and, on the other, points in MI, OH, PA, and KY.

MC 157439 (Sub-1), filed December 14, 1981. Applicant: STAN PHILLIPS, d.b.a. HEAVY COMPANY, 3423 No. 35th St., P.O. Box 5728, Lincoln, NE 68505. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475–

6761. Transporting (1) *those commodities which because of their size or weight require the use of special equipment*, (2) *Building materials*, (3) *machinery*, and (4) *metal articles*, between points in Lancaster County, NE, on the one hand, and, on the other, points in U.S. in and west of MI, OH, IN, IL, MO, AR, and LA.

MC 159559, filed December 4, 1981. Applicant: JOSEPH J. DOSTAL, d.b.a. ABRASIVE TRANSPORT, 675 Byron, Plymouth, MI 48170. Representative: Paul M. Ross, 3104 S. Cedar Street, Lansing, MI 48910, (517) 394–4222. Transporting *metal products* between points in the U.S. under continuing contract(s) with Plymouth Metal Abrasive Company, and Metal Tech Steel Abrasive Company, both of Plymouth, MI.

MC 159589, filed December 7, 1981. Applicant: JOPSEPH T. ROTA, d.b.a. McDONALD TRANSPORTATION, 3008 Woodfield Ave., McDonald, Ohio 44437. Representative: Eugene A Waszkiewicz, P.O. Box 8315, Pittsburgh, PA 15218, (412) 469–0333. Transporting (1) *iron and steel articles*, (2) *machinery*, and (3) *steel mill products*, between points in the U.S. under continuing contract(s) with McDonald Welding Machine Company, Inc., of McDonald, OH.

MC 159628, filed December 7, 1981. Applicant: DAN BANOVICH PRODUCE AND TRANSPORTATION CO., INC., 3740 West Buckeye Rd., Phoenix, AZ 85009. Representative: Andrew V. Baylor, 337 East Elm St., Phoenix, AZ 85012, (602) 274–5146. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Smitty's Super Valu, Inc., of Phoenix, AZ.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37285 Filed 12-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-3 (Sub-No. 28)]

Rail Carriers; Missouri Pacific Railroad Co.; Abandonment Between Hawdon and Herbert, TX; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Missouri Pacific Railroad Company to abandon its line of railroad known as the sugarland Subdivision, extending from railroad milepost 0.0 near Hawdon to railroad milepost 1.8, and from milepost 13.6 to milepost 3.3, the end of track, near Herbert, a distance of 12.1 miles, in Fort Bend County, TX, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations.

If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37272 Filed 12-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29805]

Rail Carriers; Norfolk and Western Railway Co.; Akron, Canton, and Youngstown Railroad Co.; Merger Into AC&Y Railroad, Inc.; Exemption

December 24, 1981.

On December 18, 1981, the Norfolk and Western Railway Company (NW) notified the Commission that its wholly owned subsidiary, The Akron, Canton and Youngstown Railroad Company (Akron), will merge into AC&Y Railroad, Inc. (AC&Y), a wholly owned subsidiary of NW. AC&Y will be the surviving company, and subsequently it will merge into NW, with NW the surviving company. The transactions are within a corporate family and come within the exemption described at 49 CFR 1111.5(c)(3). The mergers will not result in any change in service levels, operations, or the competitive balance with carriers outside the corporate family. The purpose of the mergers is corporate simplification.

As a condition to use of the exemption, any Akron and AC&Y employees affected by the merger shall be protected pursuant to *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

By the Commission, Richard A. Kelly, Acting Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37273 Filed 12-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 125)F]

Rail Carriers; Chicago and North Western Transportation Company Abandonment—Between Dodge Street (Omaha) and Irvington, NE; Findings

The Commission has found that the public convenience and necessity permit Chicago and North Western Transportation Company to abandon its 4.1 miles of rail line between Dodge Street (Omaha) (milepost 6.0) and Irvington (milepost 10.1) in Douglas County, NE. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Richard Kelly, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37181 Filed 12-30-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Modification to a Clean Air Act Consent Decree Involving Bethlehem Steel Corporation's Johnstown, Pennsylvania Steel Facility

In accordance with departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on December 15, 1981, a proposed modification to a Clean Air Act consent decree in *United States of America and Commonwealth of*

Pennsylvania Department of Environmental Resources v. *Bethlehem Steel Corporation*, No. 79–1223–C, was lodged with the United States District Court for the Western District of Pennsylvania. The proposed modification to the consent decree would allow Bethlehem Steel Corporation to operate its coke oven battery No. 18 until December 31, 1982, rather than requiring an earlier shutdown based on startup of the electric arc furnace shop. The modification requires Bethlehem to institute certain operating and maintenance procedures at the battery's pushing system in the interim to minimize excess emission.

The proposed consent decree may be examined at (1) the Office of the United States Attorney, Western District of Pennsylvania, United States Courthouse, 633 U.S. Post Office Courthouse, 7th Avenue and Grant Street, Pittsburgh, Pennsylvania 15219, (2) the Office of the Environmental Protection Agency, Region III, Office of Regional Counsel, 6th and Walnut Streets, Philadelphia 19106, and (3) the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530 and should refer to *United States of America and Commonwealth of Pennsylvania, Department of Environmental Resources* v. *Bethlehem Steel Corporation*, DOJ Reference #90–5–2–1–191.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc 81–37214 Filed 12–30–81; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 21, 1981, Eli Lilly and Co., Tippecanoe Lab., Box 685 Lilly Road, Lafayette, Indiana 47902, 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
Methadone (9250)	II.
Methadone-Intermediate (9254)	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, U.S. 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 February 1, 1982.

Dated: December 22, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81–37232 Filed 12–30–81; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Application; Aerojet Strategic Propulsion Co.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on July 31, 1981, Aerojet Strategic Propulsion Co., Highway 50 at Hazel Avenue, P.O. Box 15699C, Sacramento, California 95813, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule I controlled substance Tetrahydrocannabinols (7370). The firm currently produces Tetrahydrocannabinols under contract with the National Cancer Institute.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, 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 February 1, 1982.

Dated: December 22, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81–37233 Filed 12–30–81; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL SCIENCE FOUNDATION

Permits Issued Under Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permits 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 November 19, 1981, the National Science Foundation published a notice in the **Federal Register** of permit applications received. On December 22, 1981 a permit was issued to: Charles W. Potter.

Charles E. Myers,

Division of Polar Programs

[FR Doc 81–37257 Filed 12–30–81; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Extreme External Phenomena; Meeting

The ACRS Subcommittee on Extreme External Phenomena will hold a meeting on January 28 and 29, 1982, at the SHERATON INN INTERNATIONAL CONFERENCE CENTER, 11810 Sunrise Valley Drive, Reston, VA (Telephone: 703/620–9000). The Subcommittee will continue its review of the NRC research programs which deal with the seismic aspects of site safety. The discussions at this meeting are intended to examine the uncertainties associated with the determination of a design basis earthquake for a nuclear powerplant at

a site in the Eastern United States. The agenda for the this meeting will be structured to encourage open discussions from the audience. Notice of this meeting was previously published on November 25, 1981.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance. In addition, time will be set aside for open discussion from the audience and for comments on the scheduled presentations.

The agenda for subject meeting shall be as follows:

Thursday, January 28, 1982—8:30 a.m. until approximately 9:30 p.m. The Subcommittee will conduct discussions directed toward the review of the NRC research programs which deal with the seismic aspects of site safety. The emphasis for these discussions will be on Eastern United States seismotectonics.

Friday, January 29, 1982—8:00 a.m. until approximately 4:00 p.m. The Subcommittee will conduct discussions directed toward the review of the NRC research programs which deal with the seismic aspects of site safety. The emphasis for these discussions will be on the use of probability and strong ground motion models.

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, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: December 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-37293 Filed 12-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-10-OLA]

Commonwealth Edison Co. (Dresden Nuclear Power Station, Unit 1); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Commonwealth Edison Company*, Dresden Nuclear Power Station, Unit 1, Docket No. 50-10-OLA, is hereby reconstituted by appointing the following Administrative Judge to the Board: Dr. Martin J. Steindler. Dr. David L. Hetrick was a member of this Board, but, because of a schedule conflict, is unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

John H. Frye, III, Chairman;
Dr. Martin J. Steindler;
Dr. Robert L. Holton.

All Correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is:

Dr. Martin J. Steindler, Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439.

Issued at Bethesda, Maryland, this 28th day of December 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-37294 Filed 12-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-366]

Georgia Power Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. NPF-5, issued to Georgia Power Company, Oglethorpe Power Corporation, Muncipal Electric Association of Georgia, and City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit No. 2 (the facility) located in Appling County, Georgia. The amendment is effective as of the date of issuance.

The amendment consists of temporary changes to the Technical Specifications. The limiting condition for operation on diesel generator operability is extended from 72 hours to 18 days starting at 9:00 AM EST on December 19, 1981 and expiring at 9:00 AM on January 3, 1982.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 18, 1981, (2) Amendment No. 25 to License No. NPF-5, and (3) the Commission's letter to Georgia Power Company dated December 18, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513. 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 December 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 81-37295 Filed 12-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-416 and 50-417]

Mississippi Power and Light Co., et al.; Issuance of Amendment to Construction Permits

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Construction Permit CPPR-118 and Amendment No. 7 to Construction Permit CPPR-119, issued to Mississippi Power and Light Company, Middle South Energy, Inc. and South Mississippi Electric Power Association for the Grand Gulf Nuclear Station, Units 1 and 2 (the Facility), located in Claiborne County, Mississippi.

The amendments delete monitoring and capacity requirements for sediment retention basins from the Environmental

Protection Program Respecting Construction of Grand Gulf Nuclear Station, Units 1 and 2. Such monitoring and capacity requirements for the sediment retention basins are currently covered by a National Pollutant Discharge Elimination System permit for the facility which is unaffected by these Construction Permit Amendments. The amendments are effective as of the date of issuance.

The application for these 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 permit amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments. For further details with respect to this action see (1) the application for amendment dated September 26, 1980 and supplemented by letters dated December 31, 1980 and August 31, 1981 (2) Amendment No. 7 to CPPR-118, (3) Amendment No. 7 to CPPR-119, and (4) the Commission's related letter evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at Hinds Junior College, George M. McLendon Library, Raymond, Mississippi. In addition, a copy of the above items (2), (3) and (4) may be obtained upon request, addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 23rd day of December, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-37296 Filed 12-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-537 (exemption request under 10 CFR 50.12)]

Department of Energy, Project Management Corp. and Tennessee Valley Authority (Clinch River Breeder Reactor Plant); Memorandum and Order

Introduction

This Memorandum and Order establishes the Commission's procedures for considering the merits of the Department of Energy's (DOE's) request for an exemption from 10 CFR 50.10 pursuant to 10 CFR 50.12 in order to begin site preparation for the Clinch River Breeder Reactor. For the reasons discussed below, the Commission believes that an informal proceeding directed by the Commission itself is best suited for consideration of the merits of this exemption request.

Background

On November 30, 1981 DOE, for itself and on behalf of its co-applicants Project Management Corporation and the Tennessee Valley Authority, requested the Nuclear Regulatory Commission (NRC or Commission) to grant an exemption from 10 CFR 50.10 pursuant to 10 CFR 50.12 to conduct site preparation activities for the Clinch River Breeder Reactor (CRBR) prior to the issuance of a construction permit or limited work authorization. DOE's proposed site preparation activities include site clearing and grading; excavation and quarry operations; the construction of temporary construction related facilities, a barge facility, an access road and railroad spur; and the installation of services including power, water, sewerage and fire protection. None of the work appears to involve safety-related structures, systems, or components subject to the Commission's safety regulations in 10 CFR Part 50. Among the reasons advanced by DOE in support of its request are the claims that: (1) Congress has expressed the intention that the CRBR project be completed expeditiously; (2) procedural delays will cause undue hardship in the form of another 1-2 years of delay and $120-240 millions of increased costs; and (3) the project is in an advanced stage of development and is ready to begin site preparation activities.

Views of the Parties

DOE requested that the Commission itself rule on this exemption request because it raises substantial national policy considerations that only the Commission can address. These include cited Presidential and Congressional mandates to construct the CRBR in a timely and expeditious manner, the implications of alleged increased costs, and the alleged adverse effects of delay on DOE's responsibility for developing the technology of the liquid metal fast breeder reactor (LMFBR).

DOE also contended that a hearing is not required on its exemption request. In its view, the Commission's requirements for a hearing prior to commencement of site preparation activities are not compelled by either the National Environmental Policy Act (NEPA) or the Atomic Energy Act of 1954, as amended. Moreover, DOE believes an informal proceeding will prove adequate for resolving any disputed matters. DOE is opposed to a referral of its request to an Atomic Safety and Licensing Board (Board) for adjudicatory hearings since, in DOE's view, such a referral only serves to further delay the project without providing the Commission with meaningful assistance in addressing the policy and other issues raised by the exemption request.

DOE's request was opposed by the Natural Resources Defense Council, Inc. and the Sierra Club, intervenors in the now suspended adjudicatory hearing on applicant's 1976 application for a construction permit. Intervenors agree that this request raises major issues of policy and law that should be decided in the first instance by the Commission itself based on oral argument and written comments. The issues identified by NRDC and the Sierra Club are: (1) The applicability of the exemption provisions in 10 CFR 50.12 to this unique project; (2) the existence of a Congressional mandate for expedition as argued by DOE; (3) the effect of granting the exemption on one of the CRBR's alleged purposes which is to demonstrate the licensability of breeder reactors; (4) the effect of an exemption on public confidence in CRBR; (5) the predetermination of intervenors' environmental contentions in the suspended proceeding; and (6) the completeness of the environmental record. NRDC and the Sierra Club believe that these are threshold issues that must be addressed by the Commission before it reaches the other merits of the exemption request. They contended that a consideration of these threshold issues will lead to denial of the exemption request. However if, contrary to their position, Commission consideration of these issues is not dispositive, then several factual issues require resolution before the exemptions can be granted. They believe that the Commission's practice has been to refer these kinds of factual issues to a Licensing Board for a formal

adjudicatory hearing. They have conceded that neither the Atomic Energy Act nor NEPA requires such a hearing. Rather, the thrust of their argument appears to be that a formal hearing is required by Commission precedent. Moreover, they argue that a formal hearing is the most effective way to elucidate the facts bearing on the exemption request. Finally, they believe that any adjudicatory hearing should be conducted by the Board for the now suspended LWA proceeding. Because that Board is familiar with the details of CRBR, NRDC and the Sierra Club believe it could provide timely review.

On December 16, 1981, we provided the parties to the suspended permit proceeding an opportunity to address the appropriate procedures for NRC consideration of the merits of applicants' exemption request. Appearances were made by representatives for the applicants and NRDC and Sierra Club.[1] Applicants presented a proposed procedure and schedule for direct Commission consideration of the exemption request. That procedure included an opportunity for comments by the public, responses to comments, and an oral presentation to the Commission on the merits of the exemption request. NRDC and the Sierra Club stated their arguments as summarized above, and urged the Commission to consider the so-called threshold issues under a procedure similar to that proposed by the applicants. They agreed that the applicants' proposed schedule not only was reasonable but could be compressed by several weeks, assuming that no formal adjudicatory hearings were to be held.

Procedures to be Followed

Following the oral presentations, the Commission met in public to decide how to proceed with consideration of the exemption request. The Commission believes, and applicants and NRDC and Sierra Club agree, that neither the Atomic Energy Act nor NEPA dictate the form of proceedings on exemption requests of the type requested here. There is also agreement on all sides that the request presents several major and novel policy and legal issues that are best resolved by the Commission itself as the highest policy-making entity within the agency. The dispute focuses on whether several of the policy and legal issues must be resolved at the outset against the grant of the exemption and, if not, whether resolution of residual factual issues should entail a formal adjudicatory hearing.

We decline to reach the merits of any of the policy or legal issues at this time, since further presentations will be required before there has been fair opportunity to present opposing views. We agree with NRDC and the Sierra Club that the exemption request may present issues of fact relating to matters such as the environmental impact of the proposed work and the cost-savings from granting of the exemption. However, we cannot agree that a formal adjudicatory hearing will prove to be the only way for adequate ventilation and resolution of these issues, or that formal adjudicatory hearings are dictated by past Commission practice.[2] It is quite common for such issues to be resolved by informal procedures falling short of formal examination and cross-examination of sworn witnesses. Even within the Commission itself, such issues are routinely and adequately dealt with in the informal Staff and ACRS review processes. There is no reason to believe that the informal procedures which follow will not prove adequate to the task. Moreover, we believe that the estimates of NRDC and the Sierra Club of the time required for the conduct of formal hearings by a Licensing Board are extremely optimistic. The one case cited by them [3] involved relatively few disputed factual issues. It is not at all clear that few factual issues will be presented here. We conclude that formal hearings will

[1] A statement in support of the exemption request was also made by a representative for the Governor of Tennessee, who is not a party to the suspended proceeding. However, a representative of the Attorney General of Tennessee, who is a party to the proceeding, stated that the Attorney General had not yet taken a position on the exemption request or on the procedures for its consideration by the Commission.

[2] Although intervenors acknowledge the Commission precedent is "split" on the issue of a need for a hearing on an exemption request, their analysis of Commission decisions on exemption requests leads them to conclude that the Commission's practice has been to consider adjudicatory hearings necessary in every contested case. We believe that this conclusion does not adequately characterize Commission practice.

Only 5 exemption requests have been considered by the Commission over the years, and in only two cases did the Commission hold a hearing. However, both cases arose under unusual circumstances. In Carolina Power and Light Company (Shearon Harris Nuclear Power Plant, Units 1, 2, 3 and 4), CLI-74-9, 7 AEC 197 (1974) (Shearon Harris I), the Deputy Director for Reactor Projects, Directorate of Licensing had granted the applicant's request for an exemption without notice to the intervenors or an opportunity for a hearing. Upon learning of the grant of the exemption, an intervenor petitioned the Commission for a stay of that exemption. The Commission referred the stay request to the Board having jurisdiction over the construction permit proceeding, and also determined that "under the circumstances of this case" the Board should conduct a hearing on the merits of the exemption request "even though the rule as written does not require adversary hearings in connection with applications for these exemptions." *Id.* at 198. Thus, the Commission's initiation of a discretionary hearing in Shearon Harris I must be viewed as a response to the Director's previous failure to notify interested parties of the grant of an exemption. In Kansas City Gas and Electric Company, Kansas City Power and Light Company (Wolf Creek Generating Station, Unit No. 1), CLI-76-20, 4 NRC 476 (1976) the Commission referred the applicant's request for an exemption to the Licensing Board already considering the application for a construction permit. This exemption request was filed after the United States Court of Appeals for the District of Columbia Circuit had decided Natural Resources Defense Council v. NRDC, 547 F.2d 663 (D.C. Cir. 1976) which found inadequate the Commission's original rule on the environmental effects of the uranium fuel cycle (Table S-3). In response to that decision, the Commission decided that licensing could resume only if an examination of the revised values in Table S-3 showed that the cost-benefit balance would not tip against a proposed plant. 41 FR 49698, 49699 (November 11, 1976). Thus, the Commission's referral of the exemption request to the Licensing Board was primarily for the purpose of obtaining an assessment of fuel cycle impacts. The Licensing Board, having considered the cost benefit issue, was obviously in the best position to consider if fuel cycle impacts would change the decision.

The Commission has not initiated a hearing in the three other exemption requests it has considered. In Louisiana Power and Light Company (Waterford Steam Electric Generating Station, Unit 3), CLI-73-25, 6 AEC 619, 622 n.23 (1973) (Waterford) the Commission stated that in the "circumstances of this case" it would be inappropriate to circumvent normal adjudicatory procedures by granting the exemption. Among the circumstances referred to by the Commission was the presence of seriously contested environmental issues in ongoing adjudicatory proceedings which were actually ongoing at that time. The Commission did not specify the "construction" activities for which an exemption was sought. The Commission then denied the request without a hearing. In Gulf States Utilities Company (River Bend Station, Units 1 and 2), CLI-76-16, 4 NRC 449 (1976) (River Bend) the Commission granted an exemption request without a hearing before it or a Board. Here again, the Commission's decision was based on the particular facts of the proceeding. The exemption request was not contested, and the proposed action was considered not to have any adverse environmental impacts. *Id.* at 450. In Washington, Public Power Supply System (WPPSS Nuclear Project Nos. 3 and 5), CLI-77-11, 5 NRC 719 (1977) (WPPSS) the Commission denied an exemption request without a hearing. In WPPSS, the Commission stated that it would not assume the function of an existing Board and scrutinize factual issues itself absent a showing of extra-ordinary circumstances such as emergency situations in which time is of the essence and relief from the Licensing Board is impossible or highly unlikely. WPPSS at 723. Such circumstances had not been shown in that proceeding. Thus, WPPSS addresses the question of when the Commission will preempt a sitting Board and conduct a hearing on an exemption request. The decision does not address the question of how the Commission will handle an exemption request when there is no Board currently immersed in a proceeding on the very same issues raised by that request.

This review of Commission precedent shows that there has not been a uniform Commission practice to require a hearing before a Board for factual issues associated with an exemption request. Rather, the Commission has tailored its procedures to the factual circumstances of each case.

[3] Carolina Power & Light Co. (Shearon Harris Nuclear Power Plant, Units 1, 2, 3 and 4), LBP-74-18, 7 AEC 538 (1974).

likely produce little additional benefit to the process and yet will likely cost a great deal, both in elapsed time and resources of the Commission and the parties.

Accordingly, the Commission is establishing the following procedures for consideration of the merits of the exemption request:

1. The request will be considered in an informal proceeding involving written comments and oral presentations to the Commission itself. This informal proceeding will be kept separate from the suspended construction permit proceedings.

2. The participants to this proceeding will be the applicants, NRDC and the Sierra Club, and any other interested person who has filed written comments in accordance with the schedule set out below. The NRC staff will not participate as a party to this proceeding.

3. Applicants shall, within one week of the date of this Order, file[4] with the Commission currently available documentation supporting the factual representations in its exemption request. If this date cannot be met, then Applicants shall advise when the materials can be provided.

4. Applicants shall by January 18, 1982 file with the Commission answers to the questions in Attachment A to this Order.

5. Applicants, NRDC and the Sierra Club, and any other interested person may file written comments with the Commission in support of, or in opposition to, the exemption request. The comments may include answers to the questions in Attachment A. Such comments shall be filed with the Commission by January 18, 1982.

6. The Commission is requesting government agencies (including the Governor and the Attorney General of the State of Tennessee) to file with the Commission any comments they may have on the request by January 18, 1982.

The remaining steps are set forth in the attached schedule. A separate statement by Commissioner Bradford is attached. It is so ordered.[5]

For the Commission.

Dated at Washington, D.C., this 24th day of December 1981.

Samuel J. Chilk,

Secretary of the Commission.

Views of Commissioner Bradford

Past Commission practice has invariably been to permit limited comments of this sort to run as footnotes in the Commission opinion for the convenience of the reader. The Commission majority has decided, in the Clinch River case for the first time, to exclude uncongenial thought from its order. With apologies to any who must now find their mental and physical way back into that document, I have the following two comments:

(1) Page 6, Footnote 2 (to be read as a last paragraph to that footnote): "Commissioner Bradford notes that this labored history amounts to exactly the situation described in the first paragraph as an erroneous intervenor view: The NRC has never granted a contested 50.12 exemption without an adjudicatory hearing." (2) Pages 8–9, (to be read as a footnote to the sentence reading, "It is not at all clear that few factual issues will be presented here"): Commissioner Bradford notes that an increase in factual issues does not decrease the need for an adjudicatory hearing. Indeed, the discussion preceding this sentence sails breathtakingly counter to decades of administrative law, to say nothing of centuries of development of adjudicatory procedures as the best available method for resolving contested issues of material fact. He would keep open the possibility of adjudicatory hearings until the Commission has a clearer appreciation of the possible role of contested factural issues in determining the outcome of the proceeding.

Attachment A

1. Is there any indication in acts providing for CRBRP authorizations or appropriations or other applicable statutes that NRC licensing of the CRBRP could, or could not, include use of 10 CFR 50.12 as proposed by the applicants?

2. Is there any indication in the acts providing for CRBRP authorizations or appropriations, associated committee or conference reports, or legislative history that speaks to the licensing procedures to be used by the NRC?

3. Under what conditions would grant of an exemption be authorized by law? Would grant of an exemption endanger life or property or the common defense and security? Would grant of this exemption be in the public interest? If not, why not? With regard to the public interest criteria in 10 CFR 50.12(a) and (b)(4), what interpretation and weight should be given to Presidential and Congressional statements pertaining to the timing of construction of the CRBRP?

4. Is the available documentation adequate for the Commission to base its decision on the exemption request to authorize site preparation activities? The documentation includes the applicant's Preliminary Safety Analysis Report (PSAR), Environmental Report (ER), Schedule for and Description of Site Preparation Activities to be conducted pursuant to 10 CFR 50.10(e)(1) (received April 11, 1975), and Site Preparation Activities Report (SPAR) (November 30, 1981) as well as the staff's Site Suitability Report (SSR) and Final Environmental Statement (FES).[6]

5. Identify areas, if any, in various licensing documents (PSAR, ER, FES, SSR, etc.) that need to be updated, which would have a bearing on this exemption decision.

6. What, if any, further exemptions from regulatory requirements does the applicant plan to request if this 10 CFR 50.12 request is granted? If this exemption is granted, does the applicant plan also to request a Limited Work Authorization?

7. Provide the updated overall CRBRP schedule, including (a) current estimate of when applicant expects to request resumption of ASLB proceeding, (b) key milestones of constructing and licensing the plant, (showing DOE assumptions regarding dates for NRC licensing action) and (c) current expected date of operation. The schedule should indicate points at which a negative NRC action could adversely affect the overall CRBRP schedule.

8. Identify and discuss any changes in the project scope from the scope originally evaluated (staff FES Chapter 4–Environmental Impacts due to Construction) that may have contributed to the changes in proposed site preparation acitivities (page 3–1 of the Site Preparation Activities Report, November 1981), particularly the substantial increase in the amount of excavation.

9. (a) Provide the documentation which forms the basis for projected cost of delay and environmental impact estimates referred to in the Site Preparation Activities Report and Secretary Edwards' letter (b) Demonstrate the validity of the cost estimate.

10. Provide the documented basis, criteria and the project scope to support the cost estimates for redressing the site should the project be terminated.

11. At the December 16th meeting, Mr. Silverstrom stated that if the Commission does not approve the request, then the project will be dead in the water in March.

(a) Please explain, including showing what activities will be completed by

[4] All dates in this schedule are dates by which the Commission must *receive* filings or other documents.

[5] Commissioner Gilinsky did not participate in this Memorandum and Order.

[6] Such documentation will also include the DOE documentation supplied in response to this Order (See, e.g., Order *supra* at 10.

March and what activities will be ready for the first time in March that were not previously ready.

(b) Why is March, 1982 to commence the site preparation activities so crucial to the whole project? Identify any special reasons (either of a technical or an economical nature) why this date is selected.

Attachment B

SCHEDULE

	Date
1. Commission (notice, request) asking for public and Government agency comments on the 50.12 request and providing specific questions to be answered.	December 24.
2. Due date for comments and answers to questions.	January 18.
3. Due date for responses to comments and answers.	January 28.
4. Commission staff report	February 6.
5. Notice of opportunity for oral presentation by applicants and commenters. [1]	February 12.
6. Oral presentation	February 15.
7. Commission decision	March 1.
8. Commission Order announcing decision	March 8.

[1] An additional three weeks may be required from this point on if an additional set of questions are asked. There will be a two week period for responses to any additional questions to be followed by a one week period for replies to the responses.

[FR Doc. 81-37305 Filed 12-30-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

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The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF COMMERCE

(Agency Clearance Officer—Edward Michals—202-377-3627)

New

• Bureau of the Census
Broadwoven Fabrics (Gray) Average Weight and Width Study
MC-22T supp
Other—See SF83
Businesses or other institutions
Producers of gray broadwoven fabrics
SIC: 211, 222, 223
Small businesses or organizations
Other advancement and regulation of commerce: 390 responses; 1,170 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Statistical policy branch, 202-395-7313

These data, which are collected and published every 5 years as part of the Census of Manufactures, provide conversion factors used by industry and Government analysts to monitor the continuing changes in the weight and width of fabric. These factors provide a means of comparing yardage output to pounds of fiber consumed.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195

New

• Department of the Air Force
Visitor Registratory for Controlled/Restricted Areas
1109
On occasion
Individuals or households
Individuals, contractors
Department of Defense—military: 120,000 responses; 6,000 hours; $105,000 Federal cost; $105,000 public cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202-395-4814

The visitor registratory system supports the installation commanders in their protection of controlled/restricted

areas under the Internal Security Act of 1950.

• Department of the Air Force
Contractor's Request for ADPS Output
AFSC 13
On occasion
Businesses or other institutions
Air Force contractors—defense manufactures
SIC: Multiple
Small businesses or organizations
Department of Defense—military: 40 responses; 20 hours; $1,000 Federal cost; $340 public cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

It is DOD and Air Force policy to provide contractors and defense manufacturers having a valid need for raw data tapes from certain Air Force data systems as established in AFR 65–110 and AFM 66–1 and 400–1 subject to such considerations as security, proprietary agreements and fair competition. AFSC/AFLC Regulation 178–6 sets forth procedures using AFLC/AFSC Form 13 as the contractor's request for such raw data tapes.

• Department of the Air Force
Minor Motor Vehicle Accident Report
840
On occasion
Individuals or households
Individuals involved in minor private vehicle accidents
Department of Defense—military: 500 responses; 150 hours; $2,625 Federal cost; $2,625 public cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

AF Form 840 used to report accidents that involve a Government vehicle with damage amounting to $250 or less, privately owned vehicle with nondisabling damage. Form is completed by security police or vehicle driver.

• Department of the Air Force
Unescorted Entry Authorization Certificate
2586
On occasion
Individuals of households/businesses or other institutions
Individuals, contractors and their employees under, etc.
SIC: Multiple
Small businesses or organizations
Department of Defense—military: 120,000 responses; 6,000 hours; $105,000 Federal cost: $105,000 public cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

AF Form 2586 supports granting entry to AF employees and contractors to controlled and restricted areas. AF Form 2586 documents the individual's authority and need to enter security areas.

• Department of the Air Force
Accident Information Exchange
841
On occasion
Individuals or households
Individuals involved in private vehicle accident
Department of Defense—military: 205 responses; 34 hours; $600 Federal cost; $595 public cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

AF Form 841 is used to exchange information between vehicle drivers involved in an accident.

• Department of the Air Force
Air Force Crime Prevention Program Field Interview
1668
On occasion
Individuals or households
Suspicious persons
Department of Defense—military: 50,040 responses; 2,502 hours; $43,785 Federal cost; $43,785 public cost; 1 form; not applicable under 3504 (h)
Edward C. Springer, 202–395–4814

Form is used as a crime prevention technique, pertinent information relative to questioning suspicious persons is recorded on the form.

• Department of the Air Force
Base Entry Authorization
MAC 7, 127
Nonrecurring
Individuals or households/businesses or other institutions
Individuals, businesses, contractors
SIC: Multiple
Small businesses or organizations
Department of Defense—military: 18,000 responses; 2,988 hours; $630,000 Federal cost; $52,290 public cost; 2 forms; not applicable under 3504 (h)
Edward C. Springer, 202–395–4814

The forms are used as base entry identification and base entry application for people who do not qualify for other DOD credentials. Contractors, technical representatives and visitors who require access to the base for an extended period of time are some examples.

• Department of the Air Force
Base Entry Authorization
MAC 7, 127
On occasion, annually
Individuals or households/businesses or other institutions
Individuals, businesses, contractors
SIC: Multiple
Small businesses or organizations
Department of Defense—military: 18,000 responses; 2,988 hours; $630,000 Federal cost; $52,290 public cost; 2 forms; not applicable under 3504 (h)
Edward C. Springer, 202–395–4814

The forms are used as base entry identification and base entry application for people who do not qualify for other DOD credentials. Contractors, technical representatives and visitors who require access to the base for an extended period of time are some examples.

• Department of the Air Force
Temporary Vehicle/Visitor Installation Pass
75
On occasion
Individuals or households
Individuals, contractors visiting AF installations
Department of Defense—military: 100,000 responses; 5,000 hours; $175,000 Federal cost; $87,500 public cost; 1 form; not applicable under 3504 (h)
Edward C. Springer, 202–395–4814

AF Form 75 supports base entry requirements of AFR 125–37 and is used to control personnel and vehicle access to Air Force installations on a temporary basis.

• Department of the Air Force
Study of Air Force Family Life
On occasion; other—See SF83
Individuals or households
Spouses and dependent adolescent children of Air Force mbrs
Department of Defense—military: 11,380 responses; 5,000 hours; $106,778 Federal cost; $99,575 public cost; 1 form; not applicable under 3504 (h)
Edward C. Springer, 202–395–4814

A study of Air Force family life to assess Air Force family needs, goals, aspirations and attitudes. Study will provide information in support of Air Force family programs and specifically base-level family support centers (FSCS). This survey will provide the basis of a needs assessment for FSC programming and is an integral part of the long-term FSC evaluation. State date is September 1981.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Office—Joseph Strnad—202–245–7488

New

• Food and Drug Administration
State Agency Opinion Survey
Nonrecurring
State or local governments
State food and drug agencies
SIC: 943
Consumer and occupational health and safety: 300 responses; 300 hours;

$4,185 Federal cost; $3,000 public cost; 1 form; not applicable under 3504 (h)
Gwendolyn Pla, 202–395–6880

The information to be obtained by this survey is needed to obtain State opinions on the Federal-State programs currently being administered by FDA. The responses will be used to assess existing programs and needs for future planning of more effective Federal-State cooperation.

• Department Management
National Long-Term Care Demonstration Client Tracking Form, Contact Long and Employee Time Sheet
OS–26–81
On occasion; monthly; other—See SF83
State or local governments
Staff of local health and social services agencies
SIC: 832
Public assistance and other income supplements: 60,800 responses; 1,401 hours; $10,507,086 Federal cost; 3 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

These forms are to be used for the national demonstration's client tracking and client management systems. These forms will be used as a management tool by the sites, and will be used by the evaluation contractor to monitor and track client status over time.

• Health Care Financing Administration
Contractors' Information Collection-Post Processing of Claims Data
HCFA–9024
On occasion
Individuals or households/businesses or other institutions
Providers, physicians, suppliers in medicare program
SIC: 801, 804, 806, 808, 881
Health: 2,100,000 responses; 700,000 hours; $0 Federal cost; $7,000,000 public cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These intermediary and carrier forms gather data on claims which have been processed. Subject areas include review of medical records, PSRO/UR determinations, outstanding checks and deceased beneficiaries.

Extensions (Burden Change)

• Centers for Disease Control
Second National Occupational Hazard Survey
NIOSH (C) TF 2.62
Nonrecurring
Businesses or other institutions
Buss firms covered by Occupa Safety Health Act of 1970
SIC: Multiple
Small businesses or organizations
Health: 1,665 responses; 6,660 hours; $1,500,000 Federal cost; $66,600 public cost; 5 forms; not applicable under 3504 (h)
Gwendolyn Pla, 202–395–6880

The data from this study will be used to: (a) set priorities for research and enforcement activities, particularly in the development of health standards, (b) suggest industries or occupations where groups of exposed workers are likely to be found, (c) identify industry groups most likely to be affected when previously unknown health hazards associated with a particular substance are discovered.

Extensions (No Change)

• Social Security Administration
Quarterly Report of Child Support Collections
OCSE–34
Quarterly
State or local governments
State agen. administering the child support enforce, etc.
SIC: 944
Other income security: 216 responses; 216 hours; $1,608 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form provides quarterly totals of child support collections made under the child support enforcement program. These data are used to compute the cost effectiveness of the program and are reported to the Office of Family Assistance to decrease the quarterly grant award for the Aid to Families With Dependent Children Program.

• Social Security Administration
Financial Status Report
OCSE–41
Quarterly
State or local governments
State agen. administering the child supp enforcement, etc.
SIC: 944
Other income security: 216 responses; 216 hours; $1,608 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form provides quarterly information concerning the States' expenditures for the operation of the child support enforcement program under Title IV–D of the Social Security Act. The data are used to compute the portion of the funding to be provided by the Federal Government.

• Social Security Administration
Quarterly Application for Grant Award
OCSE–65
Quarterly
State or local governments
State agen. administering the child supp enforce program.
SIC: 944
Other income security: 216 responses; 108 hours; $1,608 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form constitutes a request for an advance of Federal funds for the upcoming fiscal quarter for the administration of the child support enforcement program. This also provides the required State certification that the State and local share of the funding is available.

• Social Security Administration
Quarterly Budget Estimates
OCSE–25
Quarterly
State or local governments
State agen. administering the child supp enforcement progr.
SIC: 944
Other income security: 216 responses; 216 hours, $1,608 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

The collected data are used to report quarterly to the Senate Committee on Appropriations to establish the financial needs of the Office of Child Support enforcement program for budgetary purposes and the impact on the Aid to Families With Dependent Children program. Inform Congress of these financial needs.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Mine Safety and Health Administration
Certification of electrical experience
5000–32
Other—See SF 83
Businesses or other institutions
Mine operators and personnel
SIC: Multiple
Small business or organizations
Consumer and occupational health and safety: 5,000 responses; 1,250 hours; $31,200 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Title 30 CFR, sections 75.153 and 77.103 provide for the qualification of certain experienced individuals as mine electricians. Form 5000–32 records and reports this information.

• Mine Safety and Health Administration
Filing of record of mine closure
205
Other—See SF 83

Businesses or other institutions
Underground coal mines
SIC: 111 121
Small business or organizations
Consumer and occupational health and safety: 540 responses; 1,080 hours; $24,300 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Within 60 days of the permanent closure or abandonment of a mine the operator must notify the Secretary of such closure. Authority established by P.L. 95–164.

• Mine Safety and Health Administration
Fire control and abandonment plans for refuse piles
215
Annually
Businesses or other institutions
Active coal mines
SIC: 111 121
Small businesses or organizations
Consumer and occupational health and safety: 30 responses; 120 hours; $75 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Requires operators to submit fire control and abandonment plans for refuse piles. The information is used to monitor safety, stability and pollution standards. Authority established by P.L. 95–164

• Mine Safety and Health Administration
Test and examination of underground working environment
204 222R 227R 223R 228R 226R
On occasion
Businesses or other institutions
Active underground coal mines
SIC: 111 121
Small business or organizations
Consumer and occupational health and safety: 577,971 responses; 1,068,208 hours; $0 Federal cost; 6 forms; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

All coal mine operators are to adopt and get approved a verification system and methane dust control plan. The information is used to monitor compliance. Authority is established by P.L. 95–164.

• Employment and Training Administration
State transmittal for application for alien employment
Certification
ETA–7147
On occasion
State or local governments
Local and State employment service offices
SIC: 944
Training and Employment: 45,000 responses; 517,500 hours; $5,090,000 Federal cost; 6 forms, not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The information on the ETA 7–147 is a description of the recruitment efforts of the employer who has submitted an application for labor certification (ETA 750) and of the Employment Service processing of the application. The ETA 7–147 is the method of transmitting the application and supporting documentation to the regional certifying officer for a determination.

Revisions

• Mine Safety and Health Administration
Training plan regulations
MSHA–500
Nonrecurring
Businesses or other institutions
Mine operators and personnel
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and safety: 3,000 responses; 24,000 hours; $150,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Section 115(A) of the Federal Mine Safety and Health Act of 1977 states that "Each operator of a coal or other mine shall have a health and safety program which shall be approved by the Secretary." Upon approval, these plans will be returned to the mine operator for the instruction of miners of new, newly employed, annual refresher, new task and hazard training.

• Occupational Safety and Health Administration
4-dimethylaminoazobenzene 29 CFR 1910.1015(G)(2)
OSHA–223
On occasion, annually
Businesses or other institutions
Establishment where 4-dimethylaminoazobenzene is made
SIC: 281 286 289
Small businesses or organizations
Consumer and occupational health and safety: 20,000 responses; 10,000 hours; $500 Federal cost; 1 form; $73,500 public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This regulation requires employers to maintain complete and accurate records of employee medical examinations conducted in connection with the standard and to forward them to the Director of NIOSH upon termination of the employee's employment or in the event the employer ceases business without a successor. Such recordkeeping is useful to the employer, employee, physician and the Government in determining whether an employee's exposure to this substance has effect upon his/her health.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Federal Railroad Administration
Telephonic Report of Accidents/Incidents on occasion
Businesses or other institutions
Common carriers by rail engaged in interstate commerce
SIC: 401
Ground transportation: 1,530 responses; 255 hours; $4,517 Federal cost; 1 form; not applicable under 3504(b)
Donald Arbuckle, 202–395–7340

49 CFR 225.9, promulgated under U.S.C. 1654, requires notifying FRA by telephone of any accident involving death or injury of five or more persons so FRA may investigate promptly.

• Federal Railroad Administration
Movement for Repairs
On occasion
Businesses or other institutions
Common carriers by rail engaged in interstate commerce
SIC: 401 all
Ground transportation: 280,320 responses; 4,672 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

49 CFR 229.9 promulgated under 45 U.S.C. 22–34 of the Locomotive Inspection Act to require railroads to inspect defective equipment and notify crews operating such equipment that it is safe to move it to a place here proper repair could be made.

• Urban Mass Transportation Administration
Section 16(b)(2) Elderly and Handicapped Financial Reporting
Semiannually
State or local governments
State mass transportation agencies
SIC: 411
Ground transportation: 100 responses; 200 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Financial Reporting is required by OMB circular 1–102 and UMTA C 5000.1A. Regional offices review it.

• Urban Mass Transportation Administration
Statement of Revenues and Expenses
Annually

State or local governments/businesses or other institutions
Public and private mass transportation operators
SIC: 411
Ground transportation: 500 responses; 1,000 hours; $6,250 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

This information is submitted as part of an application for operating assistance, pursuant to requirements contained in section 5(e) and (f) of the UMT Act.

• Urban Mass Transportation Administration
Section 3 Urban Discretionary Financial Reporting
Quarterly
State or local governments/businesses or other institutions
Public mass transportation agencies
SIC: 411
Ground transportation: 1,000 responses; 2,000 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Financial reporting is required by OMB circ. A–102 and UMTA C 5000.1A. Regional offices review it.

• Urban Mass Transportation Administration
Section 5 Urban Formula Financial Reporting
Quarterly
State or local governments/businesses or other institutions
Public mass transportation agencies
SIC: 411
Ground transportation: 1,400 responses; 2,800 hours; $14,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Financial reporting is required by OMB circ. A–102 and UMTA C 5000.1A. Regional offices review it.

• Urban Mass Transportation Administration
Use of Project Facilities
On occasion
State or local governments
Mass transit agencies
SIC: 411
Ground transportation: 750 responses; 63 hours; $625 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss 202–395–7340

Sections 3(a)(2)(a) and 5(g)(2) of the UMT Act require that UMTA applicants have satisfactory continuing control over the use of project facilities and equipment.

• Research and Special Programs Administration
Welder Performance and Welding Procedures Records for Portable Tanks
Annually
Businesses or other institutions
Manufacturers of portable tanks
SIC: 371
Other transportation: 250 responses; 1,500 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

To verify that welder performance and welding procedures meet the standards set forth in the specifications for portable tanks.

• Urban Mass Transportation Administration
Progress Reports
Quarterly
State or local governments/businesses or other institutions
Public and private mass transportation agencies
SIC: 411
Ground transportation: 3,000 responses; 120,000 hours; $200,000 Federal cost; 2 forms; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Progress reports are required by OMB circ. A–102 and A–110 and UMTA circ. 5010.1. Reports are submitted quarterly by UMTA regional offices and describe current and proposed project activities.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Revisions

• Bureau of Alcohol, Tobacco and Firearms
Liquor Bottle Manufacturers—record of Manufacture and Disposition
ATF Rec 5540/2
On occasion
Businesses or other institutions
Manufacturers of liquor bottles
SIC: 322
Small businesses or organizations
Federal law enforcement activities: 9,550 responses; 637 hours; $100 Federal cost; 1 form; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

Bottles are used as an inventory tool in accounting for total spirits bottled, these bottles are required to bear certain mark and cannot be refilled by anyone.

• Bureau of Alcohol, Tobacco and Firearms
Liquor Bottle Manufacturers—Letterhead Applications, Records of Operation
ATF Rec 5540/1
On occasion
Businesses or other institutions
Manufacturers of liquor bottles
SIC: 322
Small businesses or organizations
Federal law enforcement activities: 382 responses; 191 hours; $100 Federal cost; 1 form; not applicable under 3504(h)
Fay S. Iudicello, 202–395–3090

Ascertain that revenue is not placed in jeopardy and protection thereof.

ENVIRONMENTAL PROTECTION AGENCY

(Agency Clearance Officer—Christine Scoby—202–382–2742)

Revisions

• Operation Record for Hazardous Waste Management Facilities
On occasion
Other—See SF83
Businesses or other institutions/State or local governments
Hazardous waste treatment, storage or disposal facilities
SIC: Multiple
Small businesses or organizations
Pollution control and abatement: 3,327 responses; 241,355 hours; $0 Federal cost; 15 forms; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Maintain operating record at the treatment storage or disposal facility which should include description of the waste management, type of waste, emergencies, inspections, and closure and post-closure estimates. The information will be used to ensure the safe operation of the facility.

FEDERAL COMMUNICATIONS COMMISSION

(Agency Clearance Officer—Richard D. Goodfriend—202–632–7513)

Extensions (Burden Change)

• Employment Inquiry
65
On occasion
Individuals or households
Persons given as reference on SF–171 of prospective, etc.
Other advancement and regulation of commerce: 300 responses; 75 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

FCC Form 65 is used by the Personnel Division to gather data regarding prospective employees from present/former supervisors, co-workers or references. Data is necessary to determine candidates' qualifications and suitability for employment. This is

particularly important since most skills are not tested but self-certified.

Nathaniel Scurry,

Chief, Reports Management Branch.

[FR Doc. 81-37113 Filed 12-30-81; 8:45 am]

BILLING CODE 3110-01-M

[OMB No. 311001]

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available),

The office of the agency issuing this form,

The title of the form,

The agency form number, if applicable,

How often the form must be filled out,

Who will be required or asked to report,

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected,

Whether small businesses or organizations are affected,

A description of the Federal budget functional category that covers the information collection,

An estimate of the number of responses,

An estimate of the total number of hours needed to fill out the form,

An estimate of the cost to the Federal Government,

An estimate of the cost to the public,

The number of forms in the request for approval,

An indication of whether section 3504(H) of Pub. L. 96-511 applies,

The name and telephone number of the person or office responsible for OMB review, and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer of office listed at the end of each entry.

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DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202-633-9770

New

• Economic Regulatory Administration
Record retention and reporting requirements pursuant to general allocation and price rules
ERA-766R
Other—see SF83
Businesses or other institutions
Firms subject to recordkeeping/reporting requirements
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation, 7,000 responses; 7,000 hours; 20 forms; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

To maintain records sufficient to demonstrate compliance with general allocation and price rules.

• Economic Regulatory Administration
Standby crude oil allocation and refining yield control program
ERA-768R
On occasion, monthly
Businesses or other institutions
Petroleum refiners
SIC: 291
Small businesses or organizations
Energy information, policy, and regulation, 700 responses; 700 hours; 3 forms; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Standby authority for recordkeeping/reporting requirements

• Departmental and Others
Federal loan guarantee for alternative fuel demonstration facilities
FE-769R
Other—see SF83
Businesses or other institutions
Lenders and borrowers participating in Federal loan guarantees
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation, 1,800 responses; 1,800 hours; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

To maintain records for audit and performance of evaluation of essential community development.

• Conservation and Solar Energy
Reporting requirements for energy conservation
CE-780
On occasion
State or local governments/businesses or other institutions
Participants in energy conservation programs
SIC: Multiple
Energy information, policy, and regulation, 208 responses; 208 hours; 4 forms; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Reporting/recordkeeping requirements for various energy conservation programs.

• Departmental and Others

Transmission of electric energy at an international boundary
EP-781
Annually
Businesses or other institutions
Electric utilities
SIC: 491
Small businesses or organizations
Energy information, policy, and regulation, 50 responses; 50 hours; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Persons authorized to export electric energy or to construct, connect, operate or maintain facilities for the transmission of electric energy at an international boundary must report to DOE the gross amount of energy delivered, costs and revenues and other matters.

• Economic Regulatory Administration
Regulatory reporting and recordkeeping requirements pursuant to 1 CFR 500, 501, 503, 504 and 515
ERA-329R
On occasion
Businesses or other institutions
Powerplants and major fuel burning installations
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation, 1,500 responses; 4,500 hours; 5 forms; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Data are used to monitor compliance with provisions of the powerplant and Industrial Fuels Use Act (Pub. L. 45-621).

• Departmental and Others
Patent/invention reporting/recordkeeping requirements
GC-765R
On occasion
Businesses or other institutions
Patent license recipients
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation, 2,000 responses; 2,000 hours; 10 forms; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

These data are collected in order to monitor compliance with DOE's patent regulations.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887

New

• Urban Mass Transportation Administration
Description of the public transportation system and urbanized area
On occasion
State or local governments
Mass transportation agencies
SIC: 411
Ground transportation, 300 responses; 300 hours; $7,500 Federal cost; 1 form; not applicable under 3504(h)
Wayse Leiss, 202-395-7340

Each recipient of UMTA assistance must have a "Description of the Transit System and Urbanized Area" on file with UMTA's regional office. This document must be incorporated by reference in each grant application and updated as needed.

• Urban Mass Transportation Administration
Evaluation of flood hazards
On occasion
State or local governments
Mass transportation agencies
SIC: 411
Ground transportation, 75 responses; 5,000 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202-395-7340

For projects involving construction on a 100-year flood plain, applicants are required to furnish an engineering report containing an analysis of the flood hazards, methods to protect against them, and the basis for concluding that the construction as designed will not be hazardous.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202-523-5326

Extensions (burden change)

• Self-policing requirements for section 15 agreements
46 CFR 528
Semiannually
Businesses or other institutions
Steamship conferences in U.S. foreign and dom. offshore comm.
SIC: 441 442
Water transportation, 96 responses; 1,620 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202-395-7340

The Commission has a statutory responsibility to disapprove any agreement after notice and hearing, if it finds inadequate policing of the obligations under the agreement. The information provided under general order 7 allows the Commission to effectively evaluate the adequacy of the policing system employed by the parties to an agreement.

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—202-357-7811

Extensions (burden change)

• Industrial panel on science and technology
On occasion
Businesses or other institutions
Science and technology-oriented companies
SIC: Multiple
Small businesses or organizations
General science and basic research, 700 responses; 700 hours; $3,000 Federal cost; form; $3,000 public cost; not applicable under 3504(h)
Anita T. Ducca, 202-395-7340

Science and technology information is collected from firms on the panel, frequently in response to requests from agencies such as the Office of Management and Budget and the Office of Science and Technology Policy. The data collected have not duplicated any other information, the usually qualitative information of the panel supplements the statistical data acquired elsewhere by the foundation. Information collection will begin in January and continue through December 1983.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301-492-8585

New

• NRC 313T
Annually
Businesses or other institutions
NRC licensees
SIC: 483
Energy information, policy, and regulation, 160 responses; 830 hours; $73,130 Federal cost; 1 form; $53,160 public cost; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Section 35.4 of 10 CFR 35 requires that applications for specific licenses to possess and use byproduct material in all medical programs be filled on form NRC 313T.

Nathaniel Scurry,
Chief, Reports Management Branch.

[FR Doc. 81-37297 Filed 12-30-81; 8:45 am]
BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22336; 70-6681]

Alabama Power Co., et al.; Proposed Issuance of First Mortgage Bonds for Sinking Fund

December 24, 1981.

In the matter of Alabama Power Company, P.O. Box 2641, Birmingham, Alabama 35291; Gulf Power Company, P.O. Box 1151, Pensacola, Florida 32520; Georgia Power Company, P.O. Box 4545, Atlanta, Georgia 30302; and Mississippi Power Company, P.O. Box 4079, Gulfport, Mississippi 39501.

Alabama Power Company ("Alabama"), Georgia Power Company ("Georgia"), Gulf Power Company ("Gulf") and Mississippi Power Company ("Mississippi"), public utility subsidiaries of The Southern Company, a registered holding company, have filed an application-declaration with this Commission pursuant to Sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

Alabama, Georgia, Gulf and Mississippi propose to issue, by obtaining the authentication and delivery by the respective trustees, First Mortgage Bonds ("Bonds") of the series set forth below. The Bonds would be surrendered to the trustee under the companies' respective indentures to satisfy, in whole or in part, the sinking fund (improvement fund in the case of Alabama) requirements of their indentures to be satisfied on or prior to June 1, 1982.

The indentures provide for annual sinking fund (improvement fund) payments on or before June 1 of each year in an amount equal to 1% of the principal amount of bonds authenticated under the respective indenture prior to the preceding January 1 (less bonds retired directly or indirectly as a result of the release of property and less bonds authenticated to refund other bonds). Payment may be made in cash or in principal amount of bonds authenticated under the indenture, whether or not such bonds have previously been disposed of by the respective company. Any cash so deposited is to be used by the trustee under the respective indenture for the redemption or other retirement of bonds of such series as may be designated by the respective company or may be withdrawn by such company against the deposit of bonds.

The maximum amounts and the series of Bonds proposed to be issued to satisfy said obligations for 1982 are as follows:

Name of company	Amount	Series
Alabama	$23,824,000	3½% Series due 1985.
Georgia	26,726,000	3¼% Series due 1984.
Gulf	3,858,000	3¼% Series due 1984.
Mississippi	2,902,000	3¾% Series due 1983.

The Bonds will be issued on the basis of the unfunded net property additions. Under the indentures the Bonds may be issued in principal amounts not exceeding 60% of the amount of unfunded net property additions. The approximate amounts of such unfunded net property additions available for the issuance of the Bonds are as follows:

Name of company	Amount	As of
Alabama	$636,500,000	Sept. 30, 1981.
Georgia	348,800,000	Oct. 31, 1981.
Gulf	41,500,000	Do.
Mississippi	70,200,000	Do.

The surrender of the Bonds in satisfaction of the respective sinking fund (improvement fund) requirements by the companies will make available for general corporate purposes cash which would otherwise have to be used to satisfy such requirements or to purchase bonds to be used for such purposes, while at the same time reducing the principal amount of bonds which they could otherwise issue under the indenture at a later time by an equal principal amount. The Bonds will not be delivered by the respective companies in such manner as to constitute them obligations for the payment of money and, therefore, they will not be included on the books or in the published statements as liabilities of the respective companies.

The companies seek exceptions from the competitive bidding requirements of Rule 50 pursuant to subsection (a)(5) thereof because the Bonds will never be delivered by the companies in such manner as to constitute obligations of such companies for the payment of money.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 14, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice of or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37289 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18374; SR-NSCC-81-12]

National Securities Clearing Corporation ("NSCC"); Order Approving Proposed Rule Change

December 24, 1981.

On September 21, 1981, NSCC filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, a proposed rule change which provides for the extension of time for executing buy-ins of balance orders on over-the-counter securities when securities subject to a buy-in notice are delayed in transfer.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 18146, October 5, 1981) and by publication in the **Federal Register** (46 FR 50182, October 9, 1981). No written comments were received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies and in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37300 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18372, SR-PSE-81-19]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

December 24, 1981.

On November 3, 1981, the Pacific Stock Exchange, Incorporated ("PSE") 618 South Spring Street, Los Angeles, California 90014, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change which revises certain of its rules governing the establishment of joint accounts and the trading activity conducted by participants in joint accounts. Among other things, the rule change permits (1) the establishment of a joint account among more than two market makers, (2) restricts market makers to participation in no more than two joint accounts concurrently, (3) forbids any participant in a joint account from trading with the joint account directly or through another member, (4) prohibits the concurrent representation of the same order for a joint account by the participants in a joint account, and (5) for purposes of determining a joint account participant's compliance with position and exercise limits, aggregates positions or exercises in the joint account with all positions and exercises covering the same underlying security which any participant or member organization associated with a participant holds or controls, or is obligated in respect of.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 18254, November 12, 1981) and by publication in the **Federal Register** (46 FR 56690, November 18, 1981). No comments with respect to the proposed rule change were filed with the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37301 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12120; 812-5002]

Advisors Cash Reserve Fund, Inc.; Filing of Application

December 21, 1981.

In the matter of Advisors Cash Reserve Fund, Inc., 11400 Rockville Pike, Suite 300, Rockville, MD 20852 (812)–5002).

Notice is hereby given that Advisors Cash Reserve Fund, Inc. ("Applicant"), a registered open-end, diversified, management investment company, filed an application on October 23, 1981, requesting an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") and Rules 2a-4 and 22c–1 thereunder, to the extent necessary to permit applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant's investment objectives are to seek as high a level of current income as is considered consistent with the preservation of capital and liquidity by investing in a variety of money market instruments, including securities issued or guaranteed by the United States Government or any of its agencies or instrumentalities, time accounts, bankers' acceptances of large domestic, commercial and savings bank and savings and loan associations, short-term corporate debt including commercial paper and variable amount master demand notes, and repurchase agreements. Applicant states that its assets will be invested primarily in certificates of deposit of United States banks having total assets in excess of $500,000,000, except that it may invest in such certificates of smaller banks provided that such certificates qualify as deposits insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, and in commercial paper, including variable amount master notes, rated "A–1" or "A–2" by Standard & Poor's Corporation or "Prime 1" or "Prime 2" by Moody's Investor Service, Inc.

As here pertinent, section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors. Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order of the Commission pursuant to section 6(c) of the Act, exempting it from the provisions of section 2(a)(41) and Rules 2a–4 and 22c–1 to the extent necessary to permit it to use the amortized cost method of valuation for all its portfolio

securities. In support of its request, Applicant submits that many of its potential investors require an investment vehicle that offers a constant net asset value per share and a relatively smooth stream of investment income. Applicant states that use of the amortized cost method of valuation will permit it to provide investment vehicles with those features. In addition, Applicant represents that its board of directors has determined that, absent unusual circumstances, amortized cost will represent the fair value of its portfolio securities. Applicant maintains that the exemptions they request satisfy the exemptive standard set forth in section 6(c) of the Act. In addition, Applicant consents to the imposition of the following conditions to any order granting it the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser; the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors of Applicant shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than January 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37194 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 18371; File Nos. SR-Amex-81-1; SR-CBOE-81-27]

American Stock Exchange, Inc. and Chicago Board Options Exchange, Inc.; Amendments to Proposed Rule Changes and Order Approving Proposed Rule Changes, December 23, 1981

I. Introduction

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), and Rule 19b-4 thereunder, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, and the Chicago Board Options Exchange, Incorporated ("CBOE"), LaSalle at Jackson, Chicago, Illinois 60604, have filed with the Commission proposed rule

changes to modify their rules to accommodate the listing and trading of standardized put and call options contracts on securities issued by the United States Department of the Treasury ("Treasury options").[1] The exchanges also have designated the specific Treasury bond, note and bill options contracts in which they propose to commence options trading.[2]

Because of the significance of the proposals and the possible impact of Treasury options trading on related markets, public comment has been solicited extensively. To supplement the initial publication of notice of the filing of the individual proposals, the Commission on May 11, 1981, issued a release discussing various aspects of the proposals and inviting commentators to address a number of specific issues.[3] In addition, letters were sent to the Commodity Futures Trading Commission ("CFTC"), the Federal Reserve Bank of New York ("FRB–NY"), the Federal Reserve Board ("FRB"), and the U.S. Department of the Treasury ("Treasury") specifically inviting the views of those agencies.[4] In response, the Commission received 14 comment letters on the proposals, including letters from the foregoing governmental agencies,[5] as well as from Amex, CBOE and the New York Stock Exchange, Inc. ("NYSE").[6] Specific comments are discussed as appropriate in this order.[7]

II. Economic Basis

In their submissions, the exchanges have asserted that standardized, exchange-traded put and call options on Treasury securities would serve an important economic function. In particular, the exchanges believe that such options could be used by a wide range of individuals and businesses engaged in enterprises that are sensitive to changes in interest rates. Through the use of various options purchasing and writing strategies, such persons can hedge against the risks associated with adverse interest rate movements, and at the same time retain the opportunity to profit from favorable movements.

Treasury options also can be attractive for speculators. For example, options purchasers can profit from favorable movements in interest rates on a leveraged basis, while at the same time limiting their risk exposure to the amount of the premium paid. Of course, since options are wasting assets of limited duration the investor stands potentially to lose his entire investment in a short period of time. Accordingly, notwithstanding the limited risk features of options, the exchanges acknowledge that it is important that the risks of options trading are adequately disclosed to investors and that the sale of options to public customers be rigorously supervised. In this regard, as discussed in part IV, infra, the exchanges have proposed rules to govern the marketing of Treasury options by member organizations, including rules relating to the supervision of sales personnel, risk disclosure and suitability, which are designed to ensure that such trading occurs in a well-ordered regulatory environment.

The exchanges also contend that trading standardized options in an exchange context offers other benefits. They assert that the intermediation of the Options Clearing Corporation ("OCC") virtually eliminates any credit risk which might otherwise be associated with over-the-counter trading in Treasury options. In addition, they indicate that standardization and centralization of trading would contribute to market liquidity and pricing efficiency.[8]

The FRB–NY and the FRB stated that properly regulated Treasury options markets could be expected to improve the efficiency and liquidity of the cash market for Treasury instruments, as well as serve as a useful adjunct to the trading activities of dealers in

[1] Amex's Treasury options proposal initially was filed on March 4, 1981 and amended on July 13, 1981, November 12, 1981 and December 9, 1981. Notice of the initial filing and all but the latter set of amendments thereto was given by Securities Exchange Act Release Nos. 17832 (March 16, 1981), 17944 (July 16, 1981) and 18268 (November 17, 1981), and by publication in the **Federal Register** (46 FR 17936 (March 20, 1981), 46 FR 37582 (July 21, 1981) and 46 FR 57795 (November 25, 1981)). *See* File No. SR–Amex–81–1. The latter set of amendments relate to such matters as member firm supervision of accounts, position and exercise limits and reporting requirements. Since public comment on these matters already has been solicited extensively, the Commission believes there is good cause for approval prior to the thirtieth day after publication of notice thereof. See pp. 17–18, infra. CBOE's initial proposal to trade options on Treasury notes and bonds was filed April 17, 1980 and amended on August 8, 1980 and August 12, 1981. Notice of the foregoing amendments to the proposed rule change was given by Securities Exchange Act Release Nos. 17325 (November 21, 1980) and 18039 (August 17, 1981), and by publication in the **Federal Register** (45 FR 79612 (December 1, 1980) and 46 FR 42390 (August 20, 1981)). See File No. SR–CBOE–80–8. The proposal was expanded to include market basket Treasury bond options contracts by a filing submitted on August 21, 1981, on which notice was given by Securities Exchange Act Release No. 18090 (September 10, 1981) and by publication in the **Federal Register** (46 FR 47335 (September 25, 1981)). See File No. SR–CBOE–81–18. The proposal was expanded to include Treasury bill options contracts by a filing submitted on November 20, 1981, on which notice was given by Securities Exchange Act Release No. 18293 (November 30, 1981) and by publication in the **Federal Register** (46 FR 59682 (December 7, 1981)). See File No. SR–CBOE–81–25. The foregoing filings were consolidated in the subject proposed rule change submitted on December 8, 1981, which also includes certain amendments similar to the Amex most recent amendments. See File No. SR–CBOE–81–27. On this basis, the foregoing filings have been withdrawn. Since the latter filing merely consolidates prior filings that were published for public comment, and contains amendments with respect to matters already published for coment, the Commission believes there is good cause for approval prior to the thirtieth day after publication of noticer thereof. See pp. 17–18, infra.

[2] The Commission also has addressed the Treasury options proposals in a related context. See Securities Exchange Act Release No. 18297 (December 2, 1981), 46 FR 60376 (December 9, 1981), where the Commission announced that it did not intend to limit trading of particular nonequity options to a single market.

[3] Securities Exchange Act Release No. 17795 (May 11, 1981), 46 FR 27430 (May 19, 1981). The release also extended the period of time for submission of public comments.

[4] Letters from Douglas Scarff, Director, Division of Market Regulation, SEC, to Stephen H. Axilrod, Director, Office of Staff Director for Monetary and Financial Policy, FRB; Peter D. Sternlight, Manager for Domestic Operations, System Open Market Account, FRB–NY; and Roger W. Mehle, Assistant Secretary–Domestic Finance, Treasury, dated May 11, 1981.

[5] Letters to Douglas Scarff, Director, Division of Market Regulation, SEC, from James A. Culver, Director, Division of Economics and Education, CFTC (August 24, 1981); Peter D. Sternlight, Senior Vice President, FRB–NY (August 6, 1981); Stephen H. Axilrod, Staff Director for Monetary and Financial Policy, FRB (September 18, 1981); and Roger W. Mehle, Assistant Secretary (Domestic Finance), Treasury (June 22, 1981).

[6] Letters to George A. Fitzsimmons, Secretary, SEC, from James E. Buck, Secretary, NYSE (July 1, 1981); Nathan Most, Vice President, New Products Development, Amex (July 9, 1981); and Walter E. Auch, chairman, CBOE (August 18, 1981).

[7] The Commission has received five comment letters that raised questions relating to the applicability of the Commodity Exchange Act ("CEA") to the trading of the instruments contemplated by these proposals and to the Commission's jurisdiction over and authority to regulate that trading. See letter to Douglas Scarff, Director, Division of Market Regulation, from James A. Culver, Director, Division of Economics and Education, CFTC (August 24, 1981); and letters to George A Fitzsimmons, Secretary, SEC, from Robert K. Wilmouth, President, Chicago Board of Trade ("CBOT") (June 30 1981), Mahlon M. Frankhouser, Kirkland and Ellis, counsel for CBOT (September 1, 1981 and October 16, 1981), and Clayton Yeutter, President, Chicago Mercantile Exchange (October 16, 1981). As set forth in its brief in *Board of Trade of the City of Chicago* v. *Securities and Exchange Commission*, No. 81–1660 (7th Cir. 1981), the Commission believes that it has authority to approve proposed rule changes by national securities exchanges providing for the trading of options on government securities and to regulate that trading, and that nothing in the CEA restricts that authority. Moreover, Commission approval of rule changes providing for the trading on national securities exchanges of options on Treasury securities is contemplated by the resolution of jurisdictional issues reached by the Commission and the CFTC, and announced in their joint press release on December 7, 1981.

[8] See Amex, *The Amex Plan for Trading Options on U.S. Treasury Department Securities* (File No. SR-Amex–81–1); and CBOE, *A Market for Options on Government Securities* (File No. SR–CBOE–80–8). See also comment letter of Ross M. Starr, *Hedging Interest Rate Risks with Bond Options Markets* (June 19, 1981).

government securities.[9] The Treasury indicated that it did not believe that options trading on Treasury securities would have an adverse effect on its auction activities.[10]

III. Contract Design

To accommodate the trading of options on Treasury securities each exchange has submitted general enabling rules which authorize the listing of options on specific Treasury bonds, notes, and bills. In addition, the CBOE has proposed rules which would authorize it to list options on a "market basket" of Treasury bonds. Both Amex and CBOE have indicated, however, that they do not intend, at least initially, to commence options trading on the full range of Treasury instruments.[11] Accordingly, both exchanges have set forth in their filings the terms of the specific options contracts in which they will begin trading.[12]

In designing the proposed options contracts the exchanges have sought to be responsive to the economic needs of the marketplace. For example, to accommodate the interests of both large-scale and smaller investors, the exchanges have proposed two sizes for Treasury options contracts: "standard-sized" contracts representing a principal amount of $100,000 for Treasury bonds and notes and $1 million for Treasury bills, and "mini-contracts" on each instrument with principal amounts that are one-fifth the standard size. The exchanges have proposed to introduce options series at three-month intervals with maturities ranging from one to fifteen months. Options series would expire on various quarterly cycles selected by the exchanges based on a correspondence to the Treasury auction cycle for the particular underlying instrument or the perceived interests of market participants. Initial options series in each expiration month would be introduced at or near the price of the underlying security; contracts with new exercise prices would be added generally in response to substantial price changes.[13]

With respect to matters of contract design and delivery specifications, so long as the Commission has no regulatory concerns it is not inclined to substitute its judgment for the business judgment of the self-regulatory organizations. Rather, in matters such as these, the marketplace generally should be permitted to determine whether a particular contract meets the needs of market participants.[14]

The Commission, however, does maintain a regulatory interest in certain other terms of the proposed Treasury options contracts. These include the qualification of underlying Treasury securities for options trading and the establishment of position and exercise limits. Each exchange proposes that in order to qualify for options listing an underlying issue of Treasury bonds or notes must have an initial public issuance of at least $1 billion.[15] Because of the nature of the proposed 13-week and 26-week Treasury bill contracts, the deliverable supply of the underlying instrument depends on the size of the Treasury auctions that correspond to the date of exercise and, therefore, may vary from week to week.[16] In the Commission's view, the proposed listing standards appear reasonably designed to ensure the existence of a deliverable supply which is sufficient to avert the possibility of market congestion.[17]

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[9] With respect to proper regulation of the Treasury options markets, the FRB–NY indicated that one objective of such regulation should be to discourage excessive speculation and other disruptive activities. Toward this end, the FRB–NY emphasized the need for adequate margin requirements, reasonable market-wide position and exercise limits, marketwide surveillance and monitoring of developments by knowledgeable parties. Comment letter of the FRB–NY, at 4. These matters are addressed in parts III and VI, infra.

[10] Comment letter of the Treasury, at 3.

[11] Amex initially has proposed to trade standard-sized and mini-contracts on 13-week Treasury bills and on 26-week Treasury bills. See Letter to Gene E. Carasick, Assistant Director, from Nathan Most, Vice President, New Products Development, Amex (December 11, 1981). CBOE initially proposes a standard-sized contract and a mini-contract on Treasury bonds. At the present time, CBOE does not contemplate trading a market basket Treasury bond contract. See Letter to Gene E. Carasick, Assistant Director, from Arne R. Rode, General Counsel, CBOE (November 4, 1981).

[12] The listing of any additional Treasury options classes, or any material change in the contract terms of an existing class, will constitute a proposed rule change under section 19(b)(1) of the Act and must be filed with the Commission for approval. Such rule changes must set forth the material terms of the proposed contract, including identification of the specific Treasury security or securities underlying the contract, the contract size and the expiration cycle.

[13] For options on Treasury bonds and notes, options series would be introduced on a selected underlying instrument immediately after it is auctioned by the Treasury. Approval of the instrument for options listing generally would not extend beyond 18 months; options series expiring thereafter would relate to a more recently issued Treasury security. For options on Treasury bonds and notes, both Amex and CBOE propose a March/June/September/December cycle. In contrast, the proposed Treasury bill options contract would not be based upon a particular underlying security. Rather, upon exercise of a Treasury bill options contract, delivery could be made with bills having a term to maturity specified by the contract, generally either 13 or 26 weeks. Each exchange has selected a March/June/September/December expiration cycle. See Amex Rules 901, 903, 916, and 917; CBOE Rules 21.6, 21.7, 21.8, 21.9.

[14] *Accord*, Securities Exchange Act Release No. 17577 (February 26, 1981), at 6–7 46 FR 15242, (March 4, 1981) (approving the CBOE GNMA options proposal). Several commentators expressed concern that excessively narrow exercise price intervals could lead to an undesirable proliferation of illiquid options series particularly during a period of significant interest rate volatility. See letter to George A. Fitzsimmons, Secretary, SEC, from William A. Schreyer, Chairman, Merrill Lynch, at 5 (July 1, 1981), ("comment letter of Merrill Lynch") and letter to George A. Fitzsimmons, Secretary, SEC, from George M. Bollenbacher, Vice President, Paine Webber, at 4 (June 9, 1918), ("comment letter of Paine Webber"). The Commission believes, however, that the competitive interests of the exchanges in channeling participation into a limited number of liquid options series are sufficient to substantially ameliorate any potential regulatory concerns.

With regard to contract design, several commentators also indicated their belief that a market basket contract would be preferable to specific issues contracts from a regulatory standpoint. These same commentators acknowledged, however, that specific issue contracts in the long run would be more economically viable. See comment letter of the FRB, at 1–2, and comment letter of Merrill Lynch, at 1–2. The Commission believes that so long as specific issue contracts are designed in a manner which mitigates the potential for regulatory problems, the choice between listing a market basket contract and specific issue contracts largely is a matter of business judgement.

[15] Amex Rule 917; CBOE Rule 21.7, Interpretation .01. The amount of the initial public issuance is to be determined not by the principal amount of the issue actually sold, but by the portion of the issue sold other than to U.S. Government accounts and Federal Reserve Banks. The amount of the initial public issuance will be determined from information made publicly available by the U.S. Treasury. Continued approval for options trading would be revoked if an exchange determined that the principal amount of the underlying securities publicly outstanding had declined to less than $750 million. Upon such a determination, additional expiration months could not be opened with respect to the underlying security. Amex Rule 716, Commentary .03; CBOE Rule 21.7, Interpretation .02.

[16] According to the terms of the 13-week Treasury bill contract proposed by Amex, delivery could be made with 13-week bills issued pursuant to the Treasury auction corresponding to the week of exercise, or with 26-week or 52-week Treasury bills with 13 weeks remaining to maturity. Similarly, the 26-week Treasury bill contract would permit delivery of newly-issued 26-week bills or previously issued 52-week bills with 26 weeks remaining to maturity. The 13- and 26-week Treasury bill contracts proposed by CBOE would supplement the deliverable supply by also permitting delivery of bills with a maturity of less than the nominal maturity, but would not recognize the higher market value of the shorter maturity instruments. Over the past year, the competitive bids accepted for the combined weekly 13- and 26-week bills auctions has ranged generally between $6 and $8 billion. The deliverable supply made available by the weekly 13- and 26-week bill auctions would be supplemented every fourth week with bills issued pursuant to the 52-week bill auction which over the past year has averaged approximately $4 billion. *See* Treasury Bulletin, Tables PDO–2 and PDO–3 (October 1981).

[17] Should congestion nevertheless occur, it should be noted that the Options Clearing Corporation ("OCC") will have authority to take remedial action. In this regard, the OCC is expected in the near future to submit a proposed rule change relating to the issuance of Treasury options contracts, the clearance and settlement of Treasury options transactions and the processing and settlement of Treasury options exercises. This proposed rule

Continued

With respect to position and exercise limits, each of the exchanges has proposed rules that will prohibit any market participant from acquiring a position in Treasury bond or note options, or from acquiring securities through exercise of options over a period of five consecutive business days, in excess of 10 percent of the initial public issuance of the underlying security.[18] For 13- and 26-week Treasury bill options each exchange has proposed position and exercise limits which, based on the average amount of the total competitive bids accepted by the Treasury at the weekly bill auctions over the past year, generally would range from 3 to 6 percent of the public issuance.[19] In applying the position and exercise limit rules, all options relating to an underlying security must be taken into consideration irrespective of the exchange on which the position is acquired. Accordingly, options contracts traded on different exchanges with identical or substantially overlapping deliverable supplies must be aggregated.[20] On the basis of the foregoing, the Commission believes that the proposed position and exercise limits generally would be sufficient to protect the options and related markets from disruptions caused either by congestion or manipulation.[21]

IV. Sales Practice Regulation

After conducting an extensive review of stock options sales practices during the Options Study,[22] the Commission approved in early 1980 a package of rule changes submitted by several securities exchanges and the National Association of Securities Dealers in response to Options Study recommendations designed to enhance the quality of regulation governing securities firms doing a public options business.[23] To govern the sales practices of member firms doing a public Treasury options business, Amex and CBOE each have proposed a regulatory structure that generally parallel that adopted for equity options.

In accordance with these rules, each member organization as a pre-condition to engaging in a Treasury options business would be required to develop and implement a written program for the review of customer accounts and orders under the supervision of a Senior Registered Options Principal ("SROP") who is a partner or officer of the member organization.[24] Each organization also would be required to have a Compliance Registered Options Principal ("CROP") who would be responsible for ensuring compliance with the securities laws and applicable exchanges rules.[25] Direct supervision of registered representatives would be the responsibility of Registered Options Principals ("ROPs") whose functions would include approval of customer accounts for Treasury options trading and the approval and initialing of all orders for discretionary accounts.[26] The principal supervisor of any member organization branch office with more than three registered representatives engaged in Treasury options trading would have to be qualified as a ROP.[27]

The proposed rules governing supervision of Treasury options trading will enable member organizations presently engaged in an equity options business to utilize the same supervisory structure for Treasury options, provided that such personnel are Treasury-options qualified. Member organizations that choose to conduct their Treasury options business other than in conjunction with their equity options business would be required to implement a parallel supervisory structure. In order to allow such firms sufficient time to comply with this requirement, the effective date of the supervisory rules is being delayed until six months after the commencement on any exchange of trading in a debt options product other than GNMA options. In the interim, exchange rules will require adherence to the supervisory structure adopted by the CBOE and approved by the Commission with respect to GNMA options trading.[28] In all other respects, the rules governing the marketing of Treasury options to public customers will be effective immediately.

To ensure that member firm personnel are properly qualified, each registered representative engaged in the sale of Treasury options and all supervisory personnel responsible for overseeing the firm's Treasury options activities would be required to complete successfully the Interest Rate Options Qualification Examination which tests a candidate's knowledge of both the debt options markets and the market for the underlying securities.[29]

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change must be approved by the Commission prior to the commencement of Treasury options trading on any exchange.

Under its existing rules, the OCC has authority to impose restrictions on exercises and, if necessary, to prescribe cash settlement in lieu of the underlying security. *See* Article VI, section 7 of the OCC rules. It is anticipated that these restrictions also will be made applicable to Treasury options.

In its comment letter, at 3, the FRB–NY expressed concern regarding the possibility of congestion caused by a coincidence of the proposed expiration dates for the 13-week Treasury bill options contracts with the termination date for the 13-week Treasury bill futures contract traded on the Chicago Mercantile Exchange ("CME"), which would result in identical delivery dates. To avoid coinciding settlement dates, the Commission understands that the OCC intends to seek authorization to select dates for the expiration of options contracts that occur other than in the week that the CME's futures contract is scheduled to terminate.

[18] To accommodate mini-contracts the position and exercise limits for options on Treasury securities are denominated in terms of the corresponding principal amount of the underlying security. For Treasury bond and note options contracts, the exchanges propose a two-step formula for position and exercise limits: if the initial public issuance of the underlying security does not exceed $2 billion, position and exercise limits would be established at a principal amount of $100 million. If the initial public issuance was $2 billion or more the limits would be established at $200 million. Amex Rule 904 and 905; CBOE Rules 21.3 and 21.4.

[19] Amex Rules 904 and 905; CBOE Rule 21.31(f).

[20] On this basis, although the Amex and CBOE Treasury bill contracts differ in minor respects, all positions in either the 13- or 26-week contract acquired on either exchange would have to be aggregated with positions in the same type of contract acquired on the other exchange.

[21] The position and exercise limit levels finally proposed by the exchanges are lower than those originally under consideration and respond to the concerns of several commentators that the initial proposals, particularly as they related to exercise limits, were excessive. See comment letter of the FRB–NY, at 2; and comment letter of Merrill Lynch, at 3–4. In this regard, these commentators indicated that the regulatory concerns associated with large options positions might be solved, and the hedging needs of large institutions accommodated, by permitting the establishment of position limit levels that are higher than the limits imposed on exercises or by exempting covered positions from the position limit ceiling. The exchanges have not elected to pursue either of these courses at this time.

[22] *See Report of the Special Study of the Options Markets to the Securities and Exchange Commission*, H.R. Rep. No. IFC3, 96th Cong., 1st Sess. (Comm. Print 1978).

[23] *See* Securities Exchange Act Release Nos. 16696 and 16701 (March 28, 1980), and 16807 (May 15, 1980).

[24] Amex Rule 922(a) and CBOE Rule 9.8(a). The SROP also would have responsibility to review the acceptance of discretionary accounts.

[25] Amex Rule 922(b) and CBOE Rule 9.8(b).

[26] Amex Rule 924 and CBOE Rule 9.10.

[27] Amex Rule 922(d) and CBOE Rule 9.6. A branch office with three or fewer registered representatives engaged in Treasury options trading could engage in a public Treasury options business only so long as the activities of the branch office are appropriately supervised by a ROP.

[28] Pursuant to the interim rules, supervision of non-member customer accounts and communications relating to GNMA or Treasury options would be the responsibility of one or more designated options principals who are either partners or officers of the member organization. The specific duties of designated options principals would include approval of customer accounts for GNMA and Treasury options trading, review of discretionary options accounts, and general supervision of member organization personnel engaged in GNMA options trading. Branch offices would not have to be staffed with a Treasury-options qualified principal. See footnote to Amex Rule 920; CBOE Rule 21.19A.

[29] Amex Rule 920, Commentary .01; CBOE Rules 9.2, 21.19A and 21.28. This examination also qualifies a candidate to sell GNMA options. The specifications of the Interest Rate Options

Continued

To provide customers with a description of Treasury options and an explanation of the special risks associated with Treasury options trading, exchange rules would require that prospective Treasury options customers be supplied with a copy of the Treasury options supplement to the OCC prospectus at or before the time their accounts are approved for Treasury options trading.[30] This prospectus also would provide information concerning the rules applicable to Treasury options trading, including the margining of Treasury options positions, and the federal tax implications of Treasury options trading. The rules of the exchanges also would require that, before a member organization can accept a customer order to purchase or write a Treasury options contract, the customer's account must be specifically approved in writing for Treasury options trading by a ROP qualified to supervise the sale of Treasury options.[31] In making recommendations to customers concerning the purchase or sale of Treasury options sales personnel would be subject to the same suitability rule applicable to equity options trading.[32]

V. Floor Procedures

CBOE intends to trade Treasury options in the context of its competing market maker system. Treasury options would be traded in the same manner and under the same rules as the exchange's equity options, except that certain modifications previously adopted to accommodate GNMA options also would be extended to govern options on Treasury securities.[33]

In contrast, Amex contemplates trading options on Treasury securities in the context of a specialist system that utilizes supplemental market makers. This involves merely extending, with minor modifications, its current rules governing equity options.[34] Each Treasury options contract would be assigned to a particular specialist whose responsibilities would be generally the same as those applicable to equity options specialists, including responsibility for administering a limit order book. The rules governing supplemental market makers, referred to as Registered Options Traders ("ROTs"), generally mirror the current Amex rules governing the equity options trading of ROTs.

The Commission has examined carefully the proposed rules governing trading activities in Treasury options on the floors of the respective exchanges, and has concluded that the proposed rules are consistent with the requirements of the Act and the rules thereunder, and, in particular, are in accordance with the maintenance of a fair and orderly market.

VI. Surveillance

Section 6(b)(5) of the Act requires an exchange to have rules designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade. Section 6(b)(1) of the Act requires that an exchange be organized and have the capacity to comply, and to enforce compliance by its members and associated persons, with the provisions of the Act, the rules thereunder, and the rules of the exchange. Accordingly, an exchange has an obligation to develop and administer a comprehensive surveillance program designed to detect manipulation and other improper trading activities.

With respect to intra-market surveillance, the exchanges' techniques for monitoring trading in Treasury options generally will be similar to the procedures currently utilized for options on equity securities. Due to the limited availability of timely and independently varifiable transaction, quotation and position information with regard to activities in related markets, however, the exchanges have indicated that inter-market surveillance techniques for options on Treasury securities will differ somewhat from those currently employed for equity options.

A principal purpose of inter-market surveillance is to protect the integrity of the options markets by maintaining a capacity to detect and deter the manipulation of options prices resulting from trading in a related market. In addition, as the FRB and FRB–NY emphasized in their comments, there is also a need for rigorous surveillance as a deterrent to the possible disruptive effect of Treasury options on the underlying cash market.[35] To address have imposed reporting and recordkeeping requirements which will enable the exchanges to identify situations potentially susceptible to manipulation,[36] as well as rules enabling the exchanges in the course of an investigation to obtain access to the books and records maintained by corporate affiliates of Treasury options market makers relating to transactions in Government securities, Government securities options, futures on Government securities and options on such futures.[37] The Commission believes that the data made available by these rules, if effectively utilized by the exchanges, will minimize the potential for manipulation.

In anticipation of GNMA options trading, the CBOE has made the necessary revisions to its surveillance modules to monitor options trading on debt securities and has submitted its updated surveillance manual for Commission review. Prior to the commencement of its Treasury options program, the Commission expects to review the manual developed by Amex outlining its surveillance procedures for Treasury options.

VII. Findings and Conclusion

Under section 19(b)(2) of the Act, the Commission must approve the foregoing rule changes if it determines that the proposed rule changes are consistent with the requirements of the Act and the rules thereunder applicable to national securities exchanges. The Commission has reviewed carefully the rules proposed by both Amex and CBOE to accommodate the listing and trading of options on U.S. Treasury securities and has concluded, for the reasons set forth above, that the rules provide for adequate and proper regulation of the proposed markets. Accordingly, the Commission finds that the proposed rule

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Qualification Examination have been approved by the Commission. Securities Exchange Act Release No. 18069 (August 28, 1981). Persons previously passing this examination for purposes of GNMA options would not be required to be retested.

[30] Amex 926; CBOE Rules 9.15, 21.19A and 21.21. The supplemental prospectus prepared by the OCC must be filed with the Commission for review prior to the commencement of Treasury options trading.

[31] Amex Rule 921; CBOE Rules 21.19A and 21.20.

[32] Amex Rule 923 and CBOE Rule 9.9.

[33] See generally, CBOE Rules 21.10 through 21.19. The principal modification is the CBOE's decision not to maintain a public limit order book for Treasury options. Pending actual trading experience, the Commission is not prepared to conclude that the absence of a public limit order book for Treasury options is inappropriate.

[34] See generally, Amex Rules 950–959.

[35] Comment letter of the FRB, at 3, and comment letter of the FRB–NY, at 5–6.

[36] Each member organization will be required to file with the exchange reports of any member firm account or any customer account with an aggregate options position on the same side of the market with respect to any underlying Treasury security which is equal to or in excess of 20 percent of the applicable position limit. Amex Rule 906; CBOE Rules 21.5 and 21.31(f). In addition, market makers on the CBOE, and specialists and supplemental market makers on Amex will be required to report to the exchange all accounts maintained for, and all transactions effected in such accounts with respect to options on Treasury securities, Treasury securities underlying such options, futures contracts which permit delivery of the underlying security, and any options on such futures contracts. These rules also would require registered Treasury options specialists and market makers to keep records, which would subject to exchanges review, of other trading activity with respect to Treasury securities Amex Rules 950(k) and 957; CBOE Rule 21.30 supplementing CBOE Rule 8.9.

[37] Amex rule 957(c); CBOE Rule 21.30.

changes are consistent with the requirements of the Act and the rules and regulations thereunder and, in particular, the requirements of Section 6 and the rules and regulations thereunder. Prior to the commencement of trading, however, the exchanges must secure Commission approval of their proposed margin rules.[38] In addition, the OCC must submit for review the Treasury options prospectus and submit for approval proposed rule changes to accommodate Treasury options. The Commission finds good cause to approve the most recent amendments submitted by the Amex prior to the thirtieth day after publication of notice since the amendments relate to matters with respect to which public comments already have been solicited extensively. In addition, the Commission finds good cause to approve the CBOE rule change prior to the thirtieth day after publication since it is primarily a consolidation of proposed rule changes previously published for comment and contains amendments relating to matters on which public comments already have been solicited extensively.[39]

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule changes, as amended, with the exception of those portions of the proposed rule changes concerning margin be, and hereby are, approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37202 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[38] The proposed margin rules of Amex and CBOE are contained in their current Treasury options filings. See footnote 1, *supra*. The Commission has not fully completed its review of the margin proposals and accordingly, is not approving that aspect of the Amex's and CBOE's Treasury options filings at this time.

[39] The Commission also currently has pending a proposal by the NYSE to trade options on Treasury securities which is virtually identical in substance to the Amex and CBOE proposals. The NYSE's proposal was filed on February 5, 1981 and amended on September 22, 1981. Notice of the proposal and the amendments was given by Securities Exchange Act Release Nos. 17631 (March 16, 1981), 46 FR 17939, and 18222 (October 20, 1981), 46 FR 55465. Additional comments was solicited by Securities Exchange Act Release No. 17785 (May 11, 1981), 46 FR 27430. The NYSE Board of Directors, however, has not yet approved a final set of amendments to the proposal which would be similar in nature to the final amendments filed by Amex and CBOE. The Commission understands that Board approval is anticipated in January 1982. The Commission expects to be able to approve the NYSE proposal shortly thereafter.

[Release No. 12119; 812-4951]

Crestline Investment Co., Inc. and Hickory Hill Furniture Co., Inc.; Filing of Application

December 21, 1981.

In the matter of Crestline Investment Company, Inc., Post Office Box 69, 215 Main Street, East, Valdese, N.C. 28690 and Hickory Hill Furniture Company, Inc., Post Office Box 1369, Hickory, N.C. 28601 (812-4951). Notice is hereby given that Crestline Investment Company, Inc. ("Crestline"), a registered, diversified, closed-end, management investment company, and Hickory Hill Furniture Company, Inc. ("Hickory Hill," together with Crestline, "Applicants"), filed an application on August 19, 1981, for an order of the Commission pursuant to section 17(b) of the Investment Company Act of 1940 ("Act"), granting an exemption from Section 17(a) of the Act to permit Hickory Hill to purchase a warrant and debenture from Crestline. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Crestline is a North Carolina corporation that invests primarily in long-term securities issued by state and municipal governments and also holds a small amount of short-term securities and a debenture and a warrant issued by Hickory Hill. According to the application, Crestline had operated as a furniture manufacturer under the corporate name of Crestline Furniture Company, Inc., until March 1978, when Hickory Hill purchased all of its operating assets. According to the application, the purchase price included (a) $4,400,000 in cash, (b) the assumption by Hickory Hill of all of the liabilities of Crestline Furniture Company, Inc., and (c) a subordinated debenture (The "Debenture") issued by Hickory Hill in the principal amount of $750,000, due March 10, 1988, with interest payable at the rate of 10 percent per annum, with a detachable warrant (the "Warrant") for the purchase of securities of Hickory Hill.

According to the application, the Warrant entitled Crestline to acquire, upon the exercise of the Warrant, shares of Hickory Hill constituting a 22.5 percent ownership interest in Hickory Hill. The Warrant, when issued, entitled Crestline to acquire 5,885 shares of Hickory Hill's Class A common stock for $123.42 per share and 192 shares of Hickory Hill's Class B common stock, also for $123.42 per share. In order to ensure that Crestline would be entitled to no less than a 22.5 percent ownership interest in Hickory Hill upon exercise of the Warrant, the Warrant also provided that a subsequent issuance of shares of Hickory Hill would give Crestline the right to acquire additional shares pursuant to the Warrant at an exercise price reflecting the terms on which such newly-issued shares were issued. Applicants state that Hickory Hill did issue additional shares of Class B common stock (which were later redeemed) and issued shares of a new class of preferred stock having a $100, per share liquidation preference and a six dollars per share non-cumulative annual dividend preference (which preferred shares were also later redeemed). As a result of the issuance of these shares, Crestline became entitled, pursuant to the Warrant, to purchase 5,885 shares of Hickory Hill's Class A common stock at $123.42 per share, 320 shares of Class B common stock at $82.472 per share and 1,234 shares of preferred stock at $100 per share. The Warrant was exercisable by Crestline within a 90 day period, ending no later than March 10, 1988, to be designated by Hickory Hill and it provided that the exercise price was payable either by certified check or by surrender of the debenture, which would be valued for that purpose at its face amount.

Applicant states that as of January 31, 1981, the Debenture was valued by Crestline on its financial statements at $579,975. On February 27, 1981, Wachovia Bank Trust Company, N.A. ("Wachovia"), Crestline's investment manager, in its analysis of the Hickory Hill offer for Crestline's board of directors, valued the Debenture at $537,466. Although Crestline did not assign any value to the Warrant in its financial statements of January 31, 1981, Wachovia valued the Warrant at $253,617 as of February 27, 1981.

According to the application, in late January, 1981, Hickory Hill designated the 90 day exercise period as March 1, 1981 through May 30, 1981, and at the same time offered to repurchase the Warrant for $250,000 and contingent on Crestline's acceptance of the offer to repurchase the Warrant, Hickory Hill also offered to purchase the Debenture for $650,000.

Applicants state that Crestline's board of directors reviewed the various alternatives available to Crestline, which included (1) selling the Warrant and the Debenture of $900,000, (2) exercising the right to purchase all the securities available under the Warrant, or (3) purchasing only a portion of the securities available under the Warrant. According to the application, the board

of directors voted to recommend to shareholdes that they approve the exercise of the Warrant to purchase 5,685 Class A securities and 320 Class B securities and to pay the exercise price of $752,718 by surrendering the Debenture and paying an additional $2,718 in cash. The board of directors also determined that if the shareholders rejected the board's proposal, Crestline would accept Hickory Hill's offer to repurchase both the Warrant and the Debenture for $900,000. At a special meeting held May 29, 1981, the shareholders rejected the board of director's recommendation, in effect voting to accept Hickory Hill's offer to purchase the Warrant and the Debenture.

Section 17(a) of the Act, in pertinent part, prohibits an affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, from selling to or purchasing from such registered company any security or other property. Section 17(b) of the Act provides, in part, that the Commission, upon application, may exempt a transaction from the provisions of section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Applicants represent that Lee Corson is a director of and owns more than 5 percent of the outstanding shares of Crestline and that he is president and chairman of the board of directors of Hickory Hill. He also indirectly controls a majority of the issued and outstanding securities of Corson Furniture Industries, Inc., which in turn owns 97 percent of the issued and outstanding securities of Hickory Hill. Because Hickory Hill is an affiliated person of Lee Corson, who is in turn an affiliated person of Crestline, section 17(a) of the Act would prohibit the proposed purchase of the Warrant and the Debenture from Crestline by Hickory Hill. In addition, the proposed purchase would also be prohibited by section 17(a) of the Act if Hickory Hill were deemed to be an affilitate of Crestline by reason of Crestline's ownership of the Warrant which entitles it to purchase in excess of 5 percent of the voting stock of Hickory Hill.

Applicants contend that either of the two courses of action considered by the shareholders would have been consistent with Crestline's policies, as stated in its registration statement. According to the application, the Debenture and Warrant were accepted by the Crestline shareholders as part purchase price paid for the assets of Crestline Furniture Company, Inc., in 1978, and the possibility of eventually exercising the Warrant was contemplated when Crestline filed its registration statement. On the other hand, Applicants assert that the sale of the Warrant and Debenture for cash arguably would be more consistent with Crestline's general policy to date of investing in assets such as tax-exempt bonds than would the acquisition of a more risky investment such as the stock of Hickory Hill. Applicants further state that the terms of the proposed transaction itself, as well as its approval by a vote of the Crestline shareholders, show that the proposed transaction is fair and does not involve overreaching by any party.

Notice is further given that any interested person may, not later than January 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on an application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter order a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, Pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37193 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12124; (811-2791)]

Federated Money Market, Inc.; Filing of Application for an Order Pursuant to Section 8(f) of the Act Declaring That Applicant Has Ceased To Be an Investment Company

December 22, 1981.

Notice is hereby given that Federated Money Market, Inc. ("Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 ("Act"), filed an application on October 20, 1980, and amendments thereto on January 19, 1981, and November 27, 1981, for an order of the Commission pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, pursuant to a merger agreement approved by the stockholders, Applicant was merged on May 16, 1980, into Money Market Management, Inc., an open-end, diversified, management investment company registered under the Act. Applicant represents that the merger was effected pursuant to Rule 17a–8 of the Act. In accordance with the laws of the State of Maryland and pursuant to the merger agreement, the Applicant's corporate status ceased as of May 16, 1980.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 18, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing)

upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37198 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12123; 812-4833]

Hartford Variable Annuity Life Insurance Co.; Filing of Application

December 21, 1981.

Notice is hereby given that Hartford Variable Annuity Life Insurance Company ("HVA"), Hartford Variable Annuity Life Insurance Company NQ Variable Account ("HVA–NQ–VA"), Hartford Variable Annuity Life Insurance Company QP Variable Account ("HVA–QP–VA"), Hartford Variable Annuity Life Insurance Company DC Variable Account–I ("DC–I"), Hartford Variable Annuity Life Insurance Company DC Variable Account–II ("DC–II"), Hartford Fund, Incorporated ("Hartford Fund") and Hartford Variable Annuity Life Insurance Company Separate Account ("HVA Separate Account") (hereafter collectively "Applicants") (Hartford Plaza, Hartford, Connecticut 06115) filed an application on March 5, 1981, and amendments thereto on September 2, 1981 and December 21, 1981, pursuant to Section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting Applicants from the provisions of Section 17(a) of the Act to the extent necessary to permit certain purchases and sales of assets and securities among the Applicants. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

HVA is a stock life insurance company organized under the laws of the State of Connecticut. HVA is a wholly-owned subsidiary of Hartford Life Insurance Company. Hartford Life Insurance Company is ultimately owned by Hartford Fire Insurance Company which, in turn, is a subsidiary of International Telephone and Telegraph Corporation. HVA Separate Account was organized on December 4, 1967, by duly adopted Resolution of the Board of Directors of HVA. HVA Separate Account is registered as an open-end diversified management investment company under the Act. While new contracts are no longer being offered and sold with respect to HVA Separate Account, contract owners of outstanding group contracts continue to make contributions under their contracts for both existing and new contract participants. In addition, there are individual contracts that have been issued and are outstanding under which additional contributions are being made.

Over the past several years, HVA has created a number of new separate accounts. These separate accounts have been organized as unit investment trust type investment companies. Money received as purchase payments under the variable annuity contracts issued with respect to these separate accounts is invested at the direction of the contract owner in the shares of Hartford Fund. Hartford Fund is an open-end, diversified management investment company which presently offers three classes or series of shares: a Bond Series, a Stock Series and a Money Market Series. Contract owners may designate which of these Series that he wishes his purchase payments invested in.

As noted, no new contracts are now being issued with respect to HVA Separate Account. Further, as a result of an optional offer of exchange between HVA Separate Account and HVA–QP–VA, DC–I and DC–II—three other HVA separate accounts—a significant number of HVA Separate Account contract owners have already exchanged their contracts for HVA–QP–VA, DC–I and DC–II contracts. HVA–QP–VA is a separate account with respect to which contracts are issued in conjunction with tax-qualified pension and profit-sharing plans, tax-deferred annuity plans, deferred compensation plans for tax-exempt employer and state and local governments, HR–10 plans, and Individual Retirement Accounts. DC–I and DC–II are separate accounts with respect to which contracts are issued in conjunction with deferred compensation plans for tax-exempt employers, including state and other governmental employers. HVA–NQ–VA contracts will be issued in connection with non-tax qualified plans. Because of such exchanges and because of contract surrenders and for other reasons, the amount of HVA Separate Account net assets has decreased. Applicants expect the decrease to continue because sales of contracts have ceased and because of the exchanges referred to above.

Because of the ever diminishing size of HVA Separate Account which results in increased expenses and increased difficulties in managing a shrinking portfolio, the HVA Separate Account Committee and HVA's Board of Directors determined to terminate HVA Separate Account. In connection with their determination to terminate HVA Separate Account, the Separate Account Committee also considered the availability of an alternative and similar investment media in which the HVA Separate Account contract owners might continue to invest so that their respective investment programs would not be interrupted. The Committee determined that the Stock Series of Hartford Fund was an investment medium very similar in character to HVA Separate Account. The investment objective of the Stock Series is investment in equity-type securities with emphasis on obtaining long-term capital growth primarily through capital appreciation with income a secondary consideration. The investment objective of HVA Separate Account is that investments will be selected primarily for long-term accumulation of capital through appreciation and investment of income. Applicants assert that the investment policies and restrictions of the Hartford Fund Stock Series and HVA Separate Account while not identical are substantially the same.

The shares of Hartford Fund Stock Series now serve or will serve as one of the underlying investment media of HVA–QP–VA, DC–I, DC II, and HVA–NQ–VA. It is proposed that the HVA Separate Account reserves relating to the tax qualified contracts will be transferred to HVA–QP–VA; reserves relating to tax-exempt employer Deferred Compensation Plans will be transferred to DC–I and DC–II and reserves relating to the non-tax qualified contracts will be transferred to HVA–NQ–VA, (a newly created separate account) as hereinafter described. The transfer will be accomplished on or before December 31, 1982. The actual date will depend on the availability of administrative capabilities to handle the transfer. Applicants submit that: (1) This restructuring will simplify the administration of the contracts by

grouping reserves relating to similar types of contracts in the appropriate separate accounts; and (2) this restructuring proposal will be submitted to the HVA Separate Account contract owners for approval.

If the contract owners approve the proposal, HVA Separate Account assets will be exchanged for shares of Hartford Fund Stock Series. Such Hartford Fund Stock Series shares will then be transferred to the respective unit investment trust separate accounts—HVA–QP–VA, DC–I, DC II, and HVA–NQ–VA, as appropriate, in exchange for units of interest in such separate accounts. Applicants assert that the first such exchange will be on the basis of the market value of the HVA Separate Account portfolio assets (as adjusted by the liabilities relating to portfolio securities transactions existing at the time of the exchange) and the per share net asset value of the Stock Series shares and the second such exchange will be on the basis of the net asset value of the Stock Series shares and the Stock Series unit of interest values of HVA–QP–VA, DC–I, DC II, and HVA–NQ–VA (hereafter sometimes collectively referred to as the "Hartford Unit Trusts"). Applicants state that the costs of the merger will be borne by HVA.

Although owners of new contracts issued by HVA with respect to HVA–QP–VA, DC–I, DC II, and HVA–NQ–VA have the right to direct that their purchase payments may be invested in any of the Series shares of Hartford Fund or to exchange their investment in shares of one or more Series for shares of one or more other Series of Hartford Fund, HVA Separate Account contract owners will retain their existing contracts and will only be permitted to invest in shares of the Hartford Fund Stock Series as a consequence of this exchange.

HVA Separate Account contract owners will retain their existing contracts. Purchase payments under flexible payment Group and Individual Variable Annuity Contracts will continue to be subject to the same deductions and charges as those now being made under those contracts. The asset charge now being deducted for the provision of mortality and expense guarantees by HVA will be the same as is now being deducted.

Owners of HVA Separate Account contracts are now entitled to vote on changes in the Separate Account's investment objective and its fundamental policies and restrictions, approval of the investment advisory agreement, election of members of the Separate Account Committee and ratification of the selection of the Separate Account's independent public accountant. Because the contract reserves, as represented by shares of Hartford Fund Stock Series, will be held in HVA–QP–VA, DC–I, DC II, or HVA–NQ–VA, as appropriate, a contract owner will be entitled to vote as to the matters described above as they relate to Hartford Fund Stock Series by instructing the entity performing the custodial functions on behalf of HVA–QP–VA, DC–I, DC II, and HVA–NQ–VA, as appropriate, as to the manner in which the Hartford Fund Stock Series shares relating to the contract owner's account are to be voted. Notice of shareholders' meetings, proxy materials and a form of instruction by means of which the contract owner can give such instructions with respect to the voting of Hartford Fund shares held for the contract owner's account will be provided to the contract owner.

Hartford Fund is a series fund and owners of contracts whose investments will be represented by shares of Hartford Fund Stock Series shall be entitled to give voting instructions to HVA upon changes in investment policies and restrictions and upon approval of an investment advisory agreement only with respect to the Stock Series and not with respect to any of the other Hartford Fund Series. With respect to all other matters relating to Hartford Fund, the contract owner shall be entitled to instruct HVA with respect to the voting of the shares attributable to his account as to matters submitted to the Hartford Fund shareholders, generally. Every participant under an HVA Separate Account contract who has a 100% vested interest under a Group Contract will receive proxy materials and a form of instruction by means of which the participant may instruct the contract owner with respect to the number of votes attributable to his individual participation under a contract.

HVA Separate Account contract owners will continue to have the right to invest a portion of their contract payments to purchase fixed dollar annuity benefits in accordance and subject to the terms and conditions of their contracts relating to the acquisition of fixed benefits.

Applicants submit that, as part of the proposed changes, immediately upon transfer of the reserves and liabilities of HVA Separate Account to HVA–QP–VA, DC–I, DC II, or HVA–NQ–VA, as appropriate, an application will be filed for an order of the Commission terminating the registration of HVA Separate Account as a registered investment company. In addition, Applicants state that appropriate steps will be taken under the insurance laws of the State of Connecticut to terminate the existence of HVA Separate Account.

Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such an affiliated person, acting as principal, knowingly to sell to or purchase from such investment company any security or other property. Applicants state that HVA Separate Account and Hartford Fund may each be deemed an affiliated person of the other (registered investment company) because the members of the HVA Separate Account Committee and the Hartford Fund Board of Directors are identical and because HVA provides administrative services to each. These factors may be said to render the two investment companies under common control. Applicants also state that the HVA Separate Account and the Hartford Unit Trusts might be deemed to be under common control and therefore affiliated persons of each other because HVA provides administrative services to HVA Separate Account as well being the depositor of the Hartford Unit Trusts. Applicants deny that any such common control exists.

As previously noted, the number of shares of Hartford Fund Stock Series to be issued to HVA Separate Account in exchange for the latter's assets will be determined by dividing the differnce between (i) the value of all of the HVA Separate Account portfolio assets transferred to Hartford Fund (such value to be determined as of the close of business of the New York Stock Exchange on the date that the Plan of Reorganization under this Agreement is implemented and (ii) the amount of those liabilities relating to HVA Separate Account portfolio transactions assumed by the Fund, by (iii) the net asset value of a share of Hartford Stock Series determined as of the close of business on the date on which the proposed merger is consummated. Applicants contend that no sales of any securities received from HVA Separate Account by Hartford Fund Stock Series are contemplated.

Applicants assert that shortly prior to the effective date of the merger, the Hartford Fund Stock Series will declare and pay a dividend consisting of substantially all of such investment company's then undistributed net income and will also distribute such investment company's then realized but undistributed net capital gains. Such dividends and distributions will be automatically reinvested in additional

Hartford Fund Stock Series shares. Applicants state that on December 15, 1981, Hartford Fund Stock Series had total assets of $38,387,889 and net unrealized capital gains of $3,205,555. According to the application, the transfer of the HVA Separate Account assets to Hartford Fund Stock Series will be handled as a taxable transaction so that the existing unrealized capital gains will be realized and, therefore, no unrealized capital gains will exist with respect to the HVA Separate Account assets.

Applicants allege that the terms of the proposed merger including the consideration to be paid and received are reasonable and fair and do not involve overreaching on the part of any concerned person; the proposed transaction is consistent with the policy of each registered investment company as recited in its registration statement and reports filed under the Act and the merger proposal is consistent with the general purposes of the Act. Applicants, accordingly, request that the Commission enter an order pursuant to Section 17(b) exempting the proposed merger from the provisions of Section 17(a) to the extent that such an order is deemed necessary.

Notice is further given that any interested person may, not later than January 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37195 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[File Nos. 2-51111 (22-11444) 2-38164]

International Harvester Co.; Application and Opportunity for Hearing

December 23, 1981.

Notice is hereby given that International Harvester Company (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the successor trusteeship of Commerce Union Bank, One Commerce Place, Nashville, Tennessee 37219, under two existing indentures of the Company which are qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Commerce Union Bank from acting as trustee under either of such indentures.

I

The Company alleges that the Company has outstanding on the date hereof the following described securities issued under the following indenture between the Company and Harris Trust and Savings Bank ("Harris Trust"), which was qualified under the Act in connection with the registration under the Securities Act of 1933 of the securities issued thereunder, the file number of such Registration Statement being set forth in parentheses below:

$150,000,000 9% Sinking Fund Debentures Due 2004, under Indenture dated as of June 15, 1974 between the Company and Harris Trust, Trustee (File No. 2-51111).

II

The Company also has issued the following described securities issued under the following indenture between the Company and Morgan Guaranty Trust Company of New York ("Morgan Guaranty"), which was qualified under the Trust Indenture Act of 1939 in connection with the registration under the Securities Act of 1933 of the securities issued thereunder, the file number of the Registration Statement being set forth in parentheses below:

$100,000,000 8⅝% Sinking Fund Debentures Due 1995, under Indenture dated as of September 1, 1970 between the Company and Morgan Guaranty, Trustee (File No. 2-38164 (of which approximately $90,617,000 is outstanding as of November 18, 1981).

On May 1, 1981, the Company appointed Commerce Union Bank as successor trustee under the above-described indenture following Morgan Guaranty's resignation as trustee. Commerce Union Bank now serves as Successor trustee under the above-described indenture.

III

1. As has been publicly reported, the Company and its subsidiary, International Harvester Credit Corporation ("IHCC"), are each negotiating for a new loan agreement to replace current short-term borrowings of the Company and IHCC. The indebtedness of the Company under its new loan agreement and certain other obligations of the Company will be secured. As a result of its anticipated role in the restructuring of the indebtedness of the Company or for other reasons, Harris Trust has notified the Company of its resignation as trustee under the indenture listed in Part I under which it serves as trusteee, such resignation to become effective upon acceptance by the successor trustee of appointment under such indenture. The Company therefore intends to appoint Commerce Union Bank as successor trustee under such indenture.

2. Each of the indentures referred to in Parts I and II above contains the provisions required by section 310(b) of the Trust Indenture Act of 1939.

3. The securities issued under each of the indentures listed in Parts I and II above are wholly unsecured. All of such securities constitute senior indebtedness of the Company; the securities issued under each such indenture rank equally with the securities issued under each other such indenture.

4. Each of the indentures referred to in Parts I and II above provides that, with certain exceptions, the Company will not, and will not permit any Restricted Subsidiary[1] to create or assume any mortgage, security interest, pledge or lien of or upon any Principal Property,[2]

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[1] Section 1.01 of each of the indentures listed in Parts I and II defines the term "restricted Subsidiary" to mean "any Subsidiary (a) substantially all the business of which is carried on, within the United States of America, excluding its territories and possessions, and (b) which owns or leases a Principal Property."

[2] Section 1.01 of each of the indentures listed in Parts I and II defines the term "Principal Property" to mean "any plant used primarily for manufacturing purposes located within the United States of America, excluding its territories and

Continued

or shares of capital stock or indebtedness for borrowed money issued by any Restricted Subsidiary and owned by the Company or any Restricted Subsidiary, whether owned at the date of the indenture of thereafter acquired, without making effective provision, and the Company is such case will make or cause to be made effective provision, whereby the securities issued under the indenture shall be secured by such mortgage, security interest, pledge or lien equally and ratably with any and all other indebtedness or obligations thereby secured, so long as such indebtedness or obligations shall be so secured. Because the indebtedness of the Company under its loan agreement referred to in paragraph 1 above and certain other obligations of the Company will be secured, the securities outstanding under each of the indentures referred to in Parts I and II will, when the Company enters into the new loan agreement, become equally and ratably secured by any Collateral consisting of any Principal Property, or shares of capital stock of indebtedness for borrowed money issued by any Restricted Subsidiary and owned by the Company or any Restricted Subsidiary, and will remain so secured so long as any indebtedness of the Company under its new loan agreement or any such other obligation of the Company is secured such collateral; thereafter such securities will again become wholly unsecured.

5. At such time as the indebtedness of the Company under its new loan agreement and certain other obligations of the Company become secured by any collateral consisting of any Principal Property, or shares of capital stock or indebtedness for borrowed money issued by any Restricted Subsidiary and owned by the Company or any Restricted Subsidiary, the issue of securities outstanding under each of the indentures referred to in Parts I and II above will become and be secured by the same such collateral, equally and ratably with such indebtedness and such other obligations, as well as with all other indebtedness of the Company to be secured by such collateral.

6. In order to secure the indebtedness and other obligations referred to in paragraph 5 above (the "Secured Obligations"), the Company expects to enter into an agreement (the "Trust Agreement") with Fidelity Union Bank to be appointed trustee with respect to the collateral (the "Trustee"). Under the terms of the Trust Agreement, if circumstances occur under which the Trustee takes action to realize on any collateral consisting of any Principal Property, or shares of capital stock or indebtedness for borrowed money issued by any Restricted Subsidiary and owned by the Company or any Restricted Subsidiary, all sums so realized will be held in trust by the Trustee and distributed, equally and ratably, to all holders of Secured Obligations (including for the purposes of any such distribution the trustee under each indenture of the Company under which Secured Obligations are outstanding). If the indebtedness outstanding under either of the indentures referred to in Parts I and II above is not paid when due, or if such indebtedness has been declared payable prior to its stated maturity pursuant to the terms of any such indenture, the trustee under either such indenture will be entitled to give notice to the Trustee requiring the Trustee to take action to realize on the collateral.

7. The effect of the Trust Agreement will be to insure that if any holder or group of holders of Secured Obligations becomes entitled to cause the Trustee to realize on any collateral consisting of any Principal Property, or shares of capital stock or indebtedness for borrowed money issued by any Restricted Subsidiary and owned by the Company or any Restricted Subsidiary, all holders of Secured Obligations, including the indebtedness outstanding under each of the indentures listed in Parts I and II above, will benefit ratably.

8. For the foregoing reasons, the Company believes that serving as trustee under either of the indentures listed in Parts I and II above, and continuing such trusteeship during such time as the indebtedness outstanding under each such indenture is secured and thereafter, when such indebtedness again becomes wholly unsecured, should in no way inhibit, discourage or otherwise influence Commerce Union Bank's actions as trustee under the other such indenture. Consequently, its trusteeship under both such indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Commerce Union Bank from acting as trustee under either of such indentures.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to the application, which is a public document on file in the Office of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than January 17, 1982, request in writing that a hearing on such matter be held stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37199 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18367; (SR-NASD-81-22)]

National Association of Securities Dealers, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

December 22, 1981.

The National Association of Securities Dealers, Inc. ("NASD") 1735 K Street, N.W., Washington, D.C. 20006, submitted on December 11, 1981, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to delete the monthly reporting requirement of certain uncovered short options positions by members.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change on or before January 20, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NASD-81-22.

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possessing, of the Company or any Restricted Subsidiary except any such plant which the Board of Directors of the Company by resolution declares is not of material importance to the total business conducted by the Company and its Restricted Subsidiaries as an entity."

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities associations and in particular, the requirements of section 15A of the Act and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that substantially similar rule changes[1] submitted by the American Stock Exchange, Inc.,[2] the Chicago Board Options Exchange, Inc.,[3] the Pacific Stock Exchange, Inc.[4] and the Philadelphia Stock Exchange, Inc.[5] have been published for comment and approved by the Commission.[6] The Commission did not receive any public comments relating to those substantially similar rule changes.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37197 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[1] The NASD's proposal differs from those of the above-referenced exchanges principally in that it deletes from the NASD Rules of Fair Practice and specific reference to the filing of the required report. The exchange proposals replaced the requirement that a member file reports monthly with a requirement that such reports be submitted upon an exchange's request. The NASD has represented that such a requirement is not needed because Article IV, Section 5 of its Rules of Fair Practice, and a Resolution of its Board of Governors issued thereunder, gives the NASD the authority to require a member, upon request, to furnish it with any information it deems necessary. In view of this, the Commission concludes that the NASD's rule change is not substantively different from the exchange rule changes previously approved.

[2] *See* File No. SR-Amex-80-31.

[3] *See* File No. SR-CBOE-80-24.

[4] *See* File No. SR-PSE-80-25.

[5] *See* File No. SR-Phlx-81-13.

[6] *See* Securities Exchange Act Release Nos. 17244 (October 24, 1980); 17326 (November 12, 1980); 17382 (December 16, 1980); and 18078 (September 3, 1981).

[Release No. 18357; (SR-NYSE-81-27)]

New York Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

December 21, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 16, 1981, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005, filed with the Commission copies of a proposed rule change which would amend paragraph .40 of the NYSE's Rule 103A, the "sunset" provision, to extend the rule's effectiveness from January 15, 1982 to January 15, 1983.[1] Rule 103A provides for the evaluation of specialist performance and establishes a non-disciplinary procedure for the reallocation of stocks due to substandard specialist performance.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change on or before January 20, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-81-27.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the two-year pilot program under Rule 103A expires on January 15, 1982, unless extended. The Commission believes that it is appropriate to continue the program on a pilot basis.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37200 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[1] Rule 103A was approved by the Commission as a two-year pilot program, terminating on May 15, 1981. Securities Exchange Act Release No. 15827 (May 15, 1979), 44 FR 100 (May 22, 1979). Most recently, on October 30, 1981, the Commission approved an amendment to Rule 103A (SR-NYSE-81-23) extending the rule's effectiveness to January 15, 1982. Securities Exchange Act Release No. 18223 (October 30, 1981) 46 FR 55039 (November 5, 1981).

[Release No. 18356; (SR-Phlx-81-21]

Philadelphia Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

December 21, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 18, 1981, the Philadelphia Stock Exchange, Inc. ("Phlx"), 1900 Market Street, Philadelphia, PA 19103, filed with the Commission a proposed rule change to adopt, on a temporary basis, Phlx Rule 933 concerning the sale and subordination of a membership subject to a lease agreement. Such a membership is considered under the lease agreement to be an asset of the member for purposes of Article XV of the Phlx by-laws. The proposed rule would provide the exchange with the right to sell the membership upon transfer or to resort to other forms of security for purposes of Article XV.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before January 20, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Reference should be made to File No. SR-Phlx-81-21.

Copies of the submission, all subsequent amendments, all written

statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the proposed rule would put into place a necessary means to assure the financial responsibility of members with leased seats and to enforce a Phlx by-law relating to a contractual right to which members with leased seats have agreed. Accelerated approval also would avoid any delay in implementing this safeguard with respect to new members who utilize leased seats.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37201 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12126; 812-4973]

Scudder Government Money Fund; Filing of Application

December 22, 1981.

In the matter of Scudder Government Money Fund (formerly Scudder Cash Investment Trust II), 175 Federal Street, Boston, Massachusetts 02110 (812-4973).

Notice is hereby given that Scudder Government Money Fund ("Applicant"), a no-load, open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on September 17, 1981, and an amendment thereto on November 23, 1981, requesting an order of the Commission, pursuant to section 6(c) of the Act, exempting Applicant from the provisions of section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio securities according to the amortized cost valuation method, and from the provisions of section 10(b)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a Massachusetts business trust organized on April 4, 1980. It is asserted that Applicant, originally named Scudder Cash Investment Trust II, was created as a "clone" of Scudder Cash Investment Trust ("SCIT"). The application states that, on August 4, 1980, all of the outstanding shares of Applicant, except those shares representing a portion of the initial capital supplied by Scudder, Stevens & Clark, Incorporated, an affiliate of Applicant's investment adviser, Scudder, Stevens & Clark ("SS & C"), were exchanged for shares of SCIT. Also on August 4, 1980, SCIT redeemed all of the shares of Applicant it then held, receiving therefore all of Applicant's assets except unamortized organization expenses.

The application states that on September 14, 1981, Applicant's Trustees and then sole shareholder approved various amendments to its Declaration of Trust, investment objectives and policies, and fundamental policies. Applicant asserts that its investment objectives are to provide safety and liquidity and stability of capital and consistent therewith to provide current income. Applicant represents that it will limit its investments to securities issued or guaranteed by the U.S. Government and repurchase agreements with respect to such obligations. It is further asserted that all of the Fund's "Government Securities" (meaning, for the purposes of this application, securities issued or guaranteed as to principal or interest by the U.S. Government, its agencies or instrumentalities, and repurchase agreements with respect to such securities) will have a stated maturity date of not more than one year from the date of purchase, and that the average dollar-weighted maturity of the Fund's portfolio will vary up to a maximum of 120 days according to management's appraisal of money market conditions. Applicant asserts that it intends to commence operations prior to the issuance of the requested order of exemption. Until such time as the order of exemption is granted, Applicant maintains that it will purchase only instruments having a maturity of sixty days or less, in order that it may use the amoritzed cost method of valuing its investments prior to such issuance.

The application states that Government Securities are generally offered on the basis of a quoted yield to maturity and the market price reflects an adjustment of the obligation's face value so that it will return the quoted rate to the purchaser. Applicant represents that it intends to declare its net income as a dividend to its shareholders on a daily basis and pay it monthly ("net income" for this purpose consisting of all interest income accrued on the portfolio assets of Applicant, less all expenses of Applicant). Applicant further assets that if it values its securities on an amortized cost basis there will be no calculation of unrealized capital gains or losses and because it will declare a daily dividend equal to the daily net income, Applicant's per share net asset value will normally remain at a constant $1.00 amount.

As here pertinent, section 2(a)(41) of the Act defines value to mean (1) with respect to securities for which market quotations are readily available, the market value of such securities, (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefore issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" fund to value its portfolio instruments on an amortized cost basis (Investment

Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests an exemption from section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio securities at cost, adjusted for amortization of premium or accretion of discount, subject to the conditions enumerated below.

Applicant represents that it has been management's experience, in connection with other investment companies which it manages, that a significant portion of the investors who are likely to invest in a short-term governmental obligation investment company require a stable net asset value (preferably at $1.00 per share sale, repurchase and redemption price, while at the same time providing shareholders with a steady flow of investment income through daily dividends which reflect Applicant's net income as earned.

The application states that the management of Applicant believes that with respect to Government Securities maturing in 120 days or less there is normally a modest discrepancy between market value and the amortized cost of such securities. Applicant asserts that it therefore believes that the valuation of its portfolio securities on the amortized cost basis will enable it to more effectively maintain its $1.00 price per share while providing shareholders with the opportunity to receive a flow of investment income less subject to fluctuation than under procedures where its daily dividend would be adjusted by all realized and unrealized gains and losses. Finally, Applicant asserts that its Trustees have determined in good faith that, in light of the characteristics of Applicant and, subject to compliance with certain conditions, as stated below, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects the fair value of such securities.

Applicant represents that if the requested exemptions are granted by the Commission, it agrees to adhere to the following conditions:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Trustees undertake—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Trustees shall be the following:

(a) Review by the Trustees, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from the Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the Trustees will promptly consider what action, if any, should be initiated by them.

(c) Where the Trustees believe that the extent of any deviation from the Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, they shall take such action as they deem appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption or shares in kind; the sale of portfolio securities prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will include in the minutes of Trustees' meetings and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Trustees' considerations as set forth above. The documents preserved pursuant to this condition shall be set forth above. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under section 31(a) of the Act.

5. The Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the Trustees determine present minimal credit risks, and which are of "high-quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Trustees.

6. The Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and the circumstances of such action.

The application states that Applicant has entered into a contract with Scudder Fund Distributors, Inc. ("Distributors"), a wholly-owned subsidiary of SS & C and a registered broker-dealer under the Securities Exchange Act of 1934, subject to and in compliance with the applicable provisions of sections 15(b) and (c) of the Act, whereby Distributors will act as the principal underwriter of Applicant in the public offering of its shares of beneficial interest. Such underwriting contract provides, in substance, that no sales load (as defined in section 2(a)(35) of the Act) shall be charged to investors in connection with such distribution.

Applicant seeks an exemption pursuant to section 6(c) of the Act from section 10(b)(2) of the Act which provides in part that no registered investment company shall use as a principal underwriter of securities issued by it any director, officer, or employee of such registered company or any person of which any such director, officer, or employee is an interested person, unless a majority of the board of directors of such registered company shall be persons who are not such principal underwriters or interested

[1] Applicant represents that to fulfill this condition, it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Trustees in the exercise of their discretion and believed by them to be appropriate indicators of value. In addition, Applicant states that the quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of government securities published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

persons of any such principal underwriters.

Applicant represents that presently forty percent of its Trustees are interested persons of SS & C. It is asserted, nonetheless, that it is intended that Applicant and SS & C shall comply with all provisions of clauses (1) to (8), inclusive, of section 10(d) of the Act, insofar as those provisions are applicable to a registered investment company and to its investment adviser. The application states that Applicant desires that it be permitted to have up to all but one of its Trustees interested persons of its principal underwriter. To that end, Applicant desires an appropriate exemption from section 10(b)(2).

Applicant asserts that it desires to establish a method for wide distribution of its shares and believes that this can best be accomplished through a principal underwriter. Applicant states that it does not want to charge a sales load. It is asserted that Applicant wishes to have the option to be a section 10(d) company and as such would be strictly limited as to sales expenses by section 10(d)(5) of the Act. Applicant represents that under these circumstances only SS & C or a company wholly-owned by SS & C or its partners could afford to undertake the expense of acting as principal underwriter. It is asserted that if the underwriting agreement were made directly between Applicant and SS & C, it is Applicant's understanding that under section 10(d) of the Act no change in the composition of its Trustees would be required notwithstanding the provisions of subsection (a) and subsection (b)(2) of section 10. Applicant maintains that SS & C, for reasons incident to the conduct of its own business, of which its relationship with Applicant is only a part, does not wish to become a principal underwriter.

Applicant anticipates that all of its Trustees who are interested persons of SS & C will also be interested persons of the underwriter, Distributors. Notwithstanding the provisions of section 10(d), it may be that the provisions of section 10(b)(2) would prevent Distributors from acting as principal underwriter of Applicant if less than a majority of the Trustees were interested persons of Distributors and of SS & C, and this application is filed in order that this obstacle may be removed by an exemption under section 6(c) of the Act. Applicant submits that the reasons for permitting an investment company which meets the requirements of section 10(d) to have only one director (trustee) completely independent of the investment adviser are equally persuasive for allowing it to have only one director (trustee) who is not an interested person of a principal underwriter which is wholly-owned by the investment adviser or its partners.

Section 6(c) of the Act provides, in part, that the Commission may upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any of the provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on an application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter order a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37196 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release Nos. 33-6371; 34-18369; AS-303]

Form S-8—Requirements for Signatures and Accountants' Consents

AGENCY: Securities and Exchange Commission.

ACTION: Discussion of Requirements For Signatures and Accountants' Consents With Regard to Form S-8.

SUMMARY: The Securities and Exchange Commission today issued a release reminding issuers utilizing Form S-8 of the requirements of that form concerning: (1) The filing of written consents by experts (particularly accountants whose opinions are incorporated from Form 10-K); (2) the signatures of certain specified individuals; and (3) certain representations concerning the eligibility of the registrant to use Form S-8.

DATE: December 23, 1981.

FOR FURTHER INFORMATION CONTACT: Registrants should contact the Branch directly responsible for reviewing the documents they file with the Commission, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In an effort to reduce reporting burdens on registrants without reducing the quality of disclosure made to investors, and to reduce staff workload, the Commission in 1980 adopted two series of amendments to Form S-8 (17 CFR 239.16b), the form for registration under the Securities Act of 1933 [15 U.S.C. 77a et seq.] of securities to be offered to employees pursuant to certain plans. The first of these series of amendments was adopted on February 22, 1980 [1] and provided a means whereby all filings on Form S-8 would become effective automatically without affirmative action on the part of the Commission or its staff. While this release did not alter the existing signature requirements of Form S-8,[2] it did add the requirement for a certification by all signatories concerning the issuer's eligibility to use the form. On April 2, 1980, the Commission adopted the second series

[1] Release No. 33-6190 (February 22, 1980) [45 FR 13438] (hereinafter the "February 1980 Release").

[2] The instruction presently provides, as it did prior to February 22, 1980, that the registration statement shall be signed by the issuer (and where interests in the plan are being registered, by the plan), their respective principal executive officers, principal financial officers, controllers or principal accounting officers, and by at least the majority of the respective boards of directors or persons performing similar functions.

of amendments to Form S–8 [3] which made the disclosure and updating features of Form S–16 (17 CFR 239.27) available to many issuers using Form S–8. More specifically, the amendments allowed updating of the Form S–8 to be accomplished by means of periodic reports, such as Forms 10–K, 11–K, 8–K and 10–Q filed under the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. 78a et seq.], thereby eliminating, in many instances, the necessity of filing a post-effective amendment. A critical element to a registrant's ability to use Exchange Act reports is contained in Item 12 of Form S–8 (Incorporation of Certain Documents by Reference). If any accountant, engineer or other "expert" is named as having prepared or certified any part of the material incorporated by reference, Item 12 requires the written consent of such person to be included in the registration statement (or amendment thereto) unless an express consent to the incorporation by reference is contained in the material incorporated by reference.

In the February 1980 Release, the Commission announced that, while regular staff review of Form S–8's is being eliminated, there will be monitoring of compliance with disclosure requirements, on an audit basis, both prior to and after such filings become effective

The staff of the Division of Corporation Finance has recently completed its first such monitoring effort. The results of such review show a failure of a significant number of registrants filing Form S–8's to comply with the requirements of the form in three distinct areas: (1) Failure to supply the requisite signatures, such as those of officers and a majority of the board of directors; (2) failure to include, as part of the signature sections, the required certifications that the issuer meets all of the requirements for filing on Form S–8; and (3) failure, in subsequent years, to include the requisite written accountants' consent in either an amendment to the registration statement or in the filing being incorporated by reference, such as in the Form 10–K. The Commission considers these to be serious deficiencies and reminds registrants of their statutory obligation to fully comply with the requirements of any form they utilize, whether or not staff review is accorded such forms. Moreover, the Commission notes that the viability of many of its new programs designed to reduce the burdens on registrants depends upon the careful and complete preparation of filed documents by such registrants and their counsel.

By the Commission.

George A. Fitzsimmons,

Secretary.

December 23, 1981.

[FR Doc. 81–37204 Filed 12–30–81; 8:45 am]

BILLING CODE 8010–01–M

[3] Release No. 33–6202 (April 2, 1980) [45 FR 23653].

[Release No. 34–16370; File No. SR–MSRB–81–18]

Self-Regulatory Organizations; Proposed Rule Change by Municipal Securities Rulemaking Board Relating to Uniform Practice

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 17, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

(a) The Municipal Securities Rulemaking Board ("Board") is filing herewith an amendment (the "proposed amendment") to the proposed rule change to rule G–12 relating to uniform practice contained in File No. SR–MSRB–81–18 (the "proposed rule change"). The proposed rule change, as modified by the proposed amendment, is as follows:

Rule G–12.[1] Uniform Practice

(a) through (d) No change.

(e) Delivery of securities. The following provisions shall, unless otherwise agreed by the parties, govern the delivery of securities:

(i) No change.

(ii) Securities Delivered. All securities delivered on a transaction shall be identical as to the information set forth in subparagraph (E) of paragraph (c)(v) and, to the extent applicable, the information set forth in subparagraphs (A) and (C) of pragraph (c)(vi). All securities delivered shall also be identical as to the ["in whole"] call provisions of such securities.

(iii) through (xvi) No change.

(f) through (l) No change.

[1] [Brackets] indicate deletions.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

(a) On November 4, 1981, the Board filed the proposed rule change, which incorporated into the "good delivery" section of the rule certain requirements governing the fungibility for delivery purposes of different issues of municipal securities. The proposed rule change specified that all securities delivered on a transaction had to be identical with respect to certain aspects of the securities description, including the "in whole" call provisions. The purpose of the proposed amendment is to expand this provision to require that the securities delivered must be identical with respect to any applicable call provision, including "in part" calls such as "sinking fund" provisions or extraordinary redemption features.

(b) The proposed amendment and the proposed rule change are adopted pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended, which requires and empowers the Board to adopt rules

> designed * * * to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in * * * clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

The Board believes that the proposed rule change will facilitate clearance and settlement of transactions and help to protect investors by clarifying the standards of good delivery to be used by the municipal securities industry and ensuring that the securities delivered are those contracted for. The Board also believes that the proposed rule change will further the development of automated and book-entry clearance systems for municipal securities transactions, consistent with the objectives of Section 17A of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition.

The Board believes that the proposed rule change will not impose any burden on competition, inasmuch as it explicitly provides in the rule for standards which are applicable to all inter-dealer deliveries of municipal securities, and which affect all municipal securities dealers equally. To the extent that the proposed rule change fosters the

development of more efficient mechanisms for the processing and clearance of municipal securities transactions, the Board is of the view that it will enhance competition between municipal securities brokers and dealers.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others.

The Board neither solicited nor received comments on the proposed rule change from members, participants or others.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 20, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 23, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37203 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

Privacy Act of 1974; Systems of Records; Annual Publication

Pursuant to 5 U.S.C. 552(a)(E)(4), the Securities and Exchange Commission hereby republishes its notice of the existence and character of the systems of records which it maintains under the Privacy Act of 1974. The last complete publication of the systems of records of the Securities and Exchange Commission can be found at 41 FR 41550 (September 22, 1976). Since that publication, the following additions and modifications to the systems of records maintained by the Securities and Exchange Commission have been published in the **Federal Register:**

Additional Systems of Records

SEC-100. Automated Personnel Information System—SEC. Published on May 19, 1978 (43 FR 21769).

SEC-101. Matter Under Inquiry (MUI)—SEC. Published on September 2, 1981 (46 FR 44114).

Modifications to Existing Systems of Records

SEC-1 through 46 and 53 through 99. Published on July 14, 1977 (42 FR 36333).

SEC-42. Name-Relationship Index System—SEC. Published on May 19, 1978 (43 FR 21771).

SEC-16. Complaint Processing System (CMP)—SEC. Published on August 17, 1978 (43 FR 36536).

SEC-36. Investigatory files—SEC. Published on August 17, 1978 (43 FR 3653B).

SEC-4. Beneficial Ownership, Acquisition, Tender Offer and Solicitation Records Filed under the Securities Exchange Act of 1934—SEC. Published on November 30, 1978 (43 FR 56119).

SEC-40. Staff Time and Activity Tracking System (STATS)—SEC. Published on February 5, 1979 (44 FR 7002).

SEC-42. Name-Relationship Index System (NRS)—SEC. Published on April 15, 1981 (46 FR 22091).

SEC-100. Automated Personnel Information System—SEC. Published on June 12, 1981 (46 FR 31128).

SEC-42. Name-Relationship Index System (NRS)—SEC. Published on September 2, 1981 (46 FR 44112).

SEC-3. Notification and Exemption from Registration under the Securities Act of 1933—SEC. Published on September 3, 1981 (46 FR 44328).

Members of the public may review all existing systems of records maintained by the Securities and Exchange Commission by referring to the September 22, 1976 annual publication found at 41 FR 41550 and to the additions and modifications found at the **Federal Register** citations set forth above. The systems of records maintained by the Securities and Exchange Commission are found in the latest compilation, "Privacy Act Issuances, 1980 Compilation," at Volume V, page 482. The **Federal Register** and Privacy Act Issuances Compilation may be examined free of charge at Regional Depository Libraries and General Services Administration Federal Information Centers located throughout the country.

For further information contact: Ruth E. Eisenberg, (202) 272-2454.

Dated: December 23, 1981.
By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-37205 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18373 File No. SR-DIC-81-6]

Depository Trust Co.; Self-Regulatory Organizations; Proposed Rule Change

Relating to the inclusion of Trans Canada Options as a Pledgee in The Depository Trust Company. Comments requested on or before January 25, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 15, 1981, The Depository Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change authorizes Trans Canada Options Inc. ("TCO") to become a Pledgee in The Depository Trust Company ("DTC"). The proposed rule change would enable a DTC Participant to satisfy its obligations to a TCO Clearing Member by effecting a book-entry movement of securities on deposit with DTC from the Participant's

General or Interim account to the TCO Pledgee account.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

The proposed rule change modifies the administration of DTC's options service to enable segregation of securities by book-entry with TCO, which is to become a Pledgee in the DTC system, to satisfy TCO requirements. Participant Operating Procedures are attached as Exhibit 2 to DTC's filing on form 19b–4A, File No. SR–DTC–81–6.

The proposed change carries out the purposes of Section 17A of the Securities Exchange Act of 1934 by enabling securities to be segregated by book-entry in connection with TCO requirements without physical movement of securities.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

DTC perceives no impact on competition by reason of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others*

Comments were not and are not to be solicited from Participants. All Participants have been notified of the proposed rule change by DTC Important Notice, a copy of which is attached (Exhibit 3).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L. Street, N.W. Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 21, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 24, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-37302 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–18359; File No. SR–NSCC–81–17]

National Securities Clearing Corp.; Self-Regulatory Organizations; Proposed Rule Change

Relating to National Securities Clearing Corporation's ("NSCC") Signature Distribution Service. Comments requested on or before January 21, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 8, 1981, NSCC filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

In response to the request of the Commission, NSCC is submitting the following information pertaining to its Signature Distribution Service:

(1) The procedures concerning NSCC's Signature Distribution Service not described in Exhibit III to NSCC's SR–NSCC–80–32 filing are contained in Exhibit 3A.

(2) Two documents filed separately.

(3) The service, which is a signature card distribution service rather than a signature guarantee program, will begin on January 4, 1982.

(4) NSCC Participants using the Signature Distribution Service will be charged the same fee as New York Stock Exchange, Inc. ("NYSE") members using the NYSE's Authorized Signature Service. The fee for this service is $125 for one authorized signature filed with NSCC and $75 each additional signature filed at the same time. The fee for additional copies of the signature cards is $60 for 100 cards.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

(a) The proposed rule change is to provide the Commission with the details of the implementation of the Signature Distribution Service.

(b) The proposed rule change is consistent with the provisions of the Securities Exchange Act of 1934, as amended, in that it facilitates the prompt and accurate clearance and settlement of securities transactions for which NSCC is responsible by providing a vehicle to assist Members in meeting turnaround times.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

Inasmuch as the proposed rule change is administrative in nature, NSCC does not perceive it will impose any burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

No comments on the proposed rule change have been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 21, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 21, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-37303 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–18375; File No. SR–SCCP 81–7]

Stock Clearing Corporation of Philadelphia; Self-Regulatory Organizations; Proposed Rule Change

Relating to Buy-In Rule With Extension Provisions of up to 14 days. Comments requested on or before January 21, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 2, 1981, Stock Clearing Corporation of Philadelphia filed with the Securities and Exchange Commission the proposed rule change as described in items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Stock Clearing Corporation of Philadelphia (SCCP) proposes to amend its Rule 14, Buy In, as follows (new material italicized, deleted material in brackets):

Rule 14. Stock Clearing Corporation *of Philadelphia (SCCP) or a participant of SCCP* may demand delivery from [any clearing member] *each other* of any security which [such clearing member is failing to deliver to Stock Clearing Corportion] *is not delivered on or after settlement date,* and if such demand to deliver is not complied with, Stock Clearing Corporation *or the participant* shall have the right to buy in said security. [for the account of the clearing member.]

In the event Stock Clearing Corporation receives a notice of Intention to Buy-In in the form prescribed in the SCCP Procedures, SCCP will have the right to take a seven (7) calendar day extension due to transit or transfer. Upon request, SCCP will furnish certificate numbers to the originator of the buy-in. If the securities are in transfer and due from the transfer agent, and transfer is delayed, SCCP may take an additional seven (7) calendar days.

Should the buy-in received by SCCP be retransmitted to a member who is short the stock to SCCP, SCCP may grant an extension to the member. The member will be required to deliver the physical shares to SCCP in sufficient time prior to execution of the buy-in to permit SCCP to re-deliver the securities to the originator of the buy-in by the final execution date.

The remainder of Rule 14 (Sell Out) is unchanged.

II. Self-Regulatory Organization's Statement of Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

SCCP's existing buy-in rule is limited to the execution of buy-ins against its participants which fail to deliver securities to SCCP. It does not address the situation of SCCP owing securities to its participants or to other clearing corporations through an interface. Since the continuous-net-settlement and depository book entry systems, along with stock loan, have virtually eliminated buy-ins for listed securities, the problems generally occur with Over-the-Counter (OTC) issues in which physical availability is sometimes limited.

Buy-in notices are often received by SCCP against positions that are still outstanding with selling brokers. Under the existing arrangement, SCCP has 24 hours to retransmit the buy-in to the failing participant, obtain the security, and transport it to the originator (most often a clearing corporation with which SCCP maintains an interface). If the security cannot be delivered in the allotted time, and an extension is not granted by the originator, then the selling participant and/or SCCP may suffer a financial loss.

The proposed Buy-In rule provides for an extension of the buy-in execution date for up to a maximum of 14 days. The extension of time would give SCCP and its participants the necessary time to make delivery of securities against buy-ins without incurring a loss.

The proposed rule change is consistent with the requirements of

Section 17A(b)(3)(F) of the Securities Exchange Act of 1934 (the Act) in promoting the prompt and accurate clearance and settlement of securities transactions for which SCCP is responsible, and in fostering cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.

B. *Self-Regulatory Organization's Statement on Burden on Competition*

SCCP does not perceive any impact on competition, negative or positive, resulting from the proposed rule change.

C. *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change*

Comments on the proposed rule change have been neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before February 4, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 21, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 24, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-37304 Filed 12-30-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Paperwork Reduction Act of 1980, Notice of Existing Recordkeeping Requirements

AGENCY: Small Business Administration.

ACTION: List of existing recordkeeping requirements.

SUMMARY: The Office of Management and Budget (OMB) has advised all Executive Branch agencies to publish a list of present recordkeeping requirements which are included in their regulations. SBA is hereby complying with that request.

DATE: Comments on this list must be received by February 28, 1982.

ADDRESS: Send comments to Elizabeth M. Zaic, Chief, Paperwork Management Branch, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, telephone (202) 653-8538.

SUPPLEMENTARY INFORMATION: The information collection requirements contained in the regulatory sections listed below have been or will be submitted to the Office of Management and Budget under the provisions of the Paperwork Reduction Act (Pub. L. 96-511). After OMB control numbers have been received, the applicable regulations will be amended to include them.

The following is a listing of recordkeeping requirements contained in SBA's regulations. Noted with each requirement is its Code of Federal Regulations citation, a brief description and its OMB identification number, if any exits.

Requirement	CFR cite	Description	OMB No.
SBIC recordkeeping	13 CFR 107.1102	Requires small business investment companies to maintain general business books and records.	Proposed.
Nonbank lender	13 CFR 120.5(b)(6), (b)(7)	Requires nonbank lenders to maintain general business books and records.	Proposed.
Civil Rights compliance	13 CFR 112.9(b), (c), (d)	Requires recipients of SBA assistance to keep records showing compliance with Civil Rights laws.	Proposed.
Civil Rights compliance	13 CFR 113.5(b), (c), (d)	Requires recipients of SBA assistance to keep records showing compliance with Civil Rights laws.	None.
Tort claims	13 CFR 114.105	Requires parties who file tort claims with SBA to maintain certain records and documentation.	None.
Nonbank lender recordkeeping	13 CFR 120.6	Requires nonbank lenders to report various financial conditions, and litigation to SBA.	None.

Dated: December 24, 1981.

Donald R. Templeman,

Acting Administrator, SBA.

[FR Doc. 81-37138 Filed 12-30-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular for Airplane System Design Analysis; Extension of Comment Period for Draft Advisory Circular 25.1309XX

AGENCY: Federal Aviation Administration, DOT.

ACTION: Draft Advisory Circular and request for comments.

SUMMARY: This extension is provided to accommodate several requests received from commenters who will be unable to comply with the January 5, 1982, due date.

DATES: Commenters must identify file AC 25.1309–XX number and comments must be received on or before March 15, 1982.

ADDRESS: Send all comments on the draft Advisory Circular to: Federal Aviation Administration, Attention: Systems Branch (AWS–130), 800 Independence Avenue SW., Washington, D.C. 20591. Comments received on the draft Advisory Circular may be inspected at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Frank C. Rock, Chief Systems Branch, (AWS–130), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone (202) 426–8395.

SUPPLEMENTARY INFORMATION:

Comments Invited

All comments regarding the original draft of AC 25.1309–X were carefully reviewed. Following an evaluation of all comments, the circular was extensively revised. Due to the extensive revision of the draft AC 25.1309–X, it is being reissued as draft AC 25.1309–XX to invite comment before final publication. A copy of the draft advisory circular may be obtained by contacting the person identified under "For Further Information Contact."

Issued in Washington, D.C., on December 23, 1981.

Joseph A. Pontecorvo,

Acting Director, Office of Airworthiness.

[AC 25.1309–XX]

Advisory Circular

FAR Guidance Material

Subject: Airplane System Design Analysis

1. *Purpose.* This advisory circular provides guidance material for acceptable means, but not the only means, of demonstrating compliance with the requirements of Part 25 of the Federal Aviation Regulations which includes probabilistic terms, as introduced by Amendment 25–23, for airplane equipment, systems, and installations.

2. *Reference Regulation.* Section 25.1309 of the Federal Aviation Regulations, as amended through Amendment 25–41.

3. *Background.* a. For a number of years, aircraft systems were evaluated by the Federal Aviation Administration to the "single fault" criteria contained in § 4b.606 of the Civil Air Regulations, recodified and later amended as § 25.1309 of the Federal Aviation Regulations. The term "single fault" was a misnomer because additional cases of the hidden fault and the consequential fault also had to be considered (§ 4b.606–1 of the Civil Aeronautics Manual). With the development of more complex systems and the increasing criticality of those systems, the Federal Aviation Administration revised the rules in 1970 to require consideration of single and multiple faults in the system under study. The consequences of faults in separate systems which perform different functions are also to be considered if the simultaneous loss of functions performed by these systems creates a hazard to the airplane. Because of the growth in airplane system complexity, it is difficult in certain cases to make a responsible engineering judgment regarding the effects of certain system failures based on conventional analysis, tests, and historical data. However, the need for making a valid judgment has increased with the increasing criticality of certain systems.

b. To better understand the effects of complex airplane system failures, it may be desirable to use analytical techniques which can assist in identifying failure conditions and their potential consequences. This advisory circular outlines various methods of analysis, both qualitative and quantitative, which may be used to assist airplane manufacturers and FAA personnel in determining compliance with the referenced regulation and provide guidance for determining when, or if, a particular analysis should be conducted. Numerical values are assigned to the probabilistic terms included in the referenced regulation for use in those cases where the effects of system faults are examined by quantitative methods of analysis.

A finding of compliance with the requirements of FAR 25.1309 is based on the technical judgment of FAA pilots and engineers. The structured methods of analysis described by this advisory circular are intended to assist FAA personnel in finding compliance with the requirements in those cases where a design review cannot readily determine the impact of failures on the safety of the airplane. These analytical tools are intended to supplement, but not replace, the judgment of the FAA certification personnel.

4. *Discussion.* a. Section 25.1309 of Part 25 of the Federal Aviation Regulations, subsequent to Amendment 25–23, requires substantiation by analysis, and where necessary, by appropriate ground, flight, or simulator tests, that the probability of a failure condition is expected to remain within limits which are related to the consequence of the failure. The requirements in the referenced regulation are intended to assure an orderly and thorough evaluation of single and multiple failures involving one or more systems.

b. Systems should be considered separately and in relation to other systems, and be designed so that the probability of the occurrence of a hazardous failure condition is low. Those failure conditions, including combinations of failures which would prevent the continued safe flight and landing of the airplane, must be shown to be extremely improbable. The occurrence of any failure condition or combination of failure conditions which would reduce the capability of the crew to cope with adverse operating conditions must be shown to be improbable.

c. The probability of the occurrence of a failure condition may be considered within three subdivisions; probable, improbable, and extremely improbable. These subdivisions are considered to overlap due to the inexact nature of probabilities. These three subdivisions may be related to the loss of airplane functions which have increasingly more severe impact on the continued safe flight and landing of the airplane.

Airplane functions may be divided in the following manner:

1. *Non-Essential*—Functions which could not significantly degrade the capability of the airplane or the ability of the flight crew to cope with adverse operating conditions if accomplished improperly or lost. Failure conditions which result in improper accomplishment or loss of non-essential functions may be probable.

2. *Essential.* Functions which would reduce the capability of the airplane or the ability of the flight crew to cope with adverse operating conditions if accomplished improperly or lost. Failure conditions which result in improper accomplishment or loss of essential functions must be improbable.

3. *Critical.* Functions which would prevent the continued safe flight and landing of the airplane if not properly accomplished. Failure conditions which result in improper accomplishment or loss of critical functions must be extremely improbable.

d. In order to show compliance with FAR 25.1309(b), FAR 25.1309(d) requires an analysis which should consider:

1. Possible modes of failure, including malfunctions and damage from external sources.

2. The probability of multiple failures and undetected faults.

3. The resulting effects on the airplane and occupants, considering the stage of flight and operating conditions, and

4. The crew warning cues, corrective action required, and the capability of detecting faults.

An analysis may be qualitative or quantitative and may range from a simple report which interprets test results or presents a comparison between two similar systems to a fault/failure analysis which may (or may not) include numerical probability data. An analysis may make use of previous service experience from comparable installations in other airplanes.

The depth of this analysis will vary, depending on the design complexity and type of functions performed by the system being analyzed. Section 6 of this advisory circular provides an outline of various analytical techniques and guidelines for determining when each must be used.

5. *Terms.* For the purpose of conducting or evaluating an analysis, the following terms and numerical values should apply:

a. *Component. The term "component" is used in this advisory circular to denote any level of hardware assembly; i.e., system, subsystem, unit or part.*

b. *Continued Safe Flight and Landing.* This phase is used in the regulation to require that an airplane be capable of continued controlled flight, possibly using emergency procedures and without exceptional pilot skill or strength, after any failure condition which has not been shown to be extremely improbable. There may be failure conditions which are not extremely improbable for which it is necessary to assure that continued safe flight and landing is possible. For these failure conditions a flight demonstration by the applicant in an airplane or satisfactory flight simulator of the worst case failure conditions identified by the analysis may be necessary. After the demonstration of controlled flight for an indefinite period which is long enough to insure that all of the consequences of the failure condition have been experienced, the capability of accomplishing a safe landing on an airport must be demonstrated.

c. *Deductive.* The term used to describe those analytical approaches involving the reasoning from a defined unwanted event or premise to the causative factors of that event or premise by means of a logical methodology (the "top-down" or "how could it happen" approach). A deductive approach will assume the system has failed in a certain way and attempt to determine what failure modes of components will contribute to this failure.

d. *Error.* A mistake, which when present in a system design, causes the system to function in a manner different from what the user reasonably expects it to do.

e. *Event.* An occurrence which causes a change of state.

f. *Exposure Time.* The period (in clock time or cycles) during which a system, subsystem, unit or part is exposed to failure, measured from when it was last verified functioning to when it is verified again.

g. *Failure.* The inability of a system, subsystem, unit or part to perform within previously specified limits. Note that some failures may have no effect on the capability of the airplane and therefore are not failure conditions.

h. *Failure Analysis.* The logical, systematic examination of a system, subsystem, unit or part, to identify and analyze the probability, causes, and consequences of potential and real failures.

i. *Failure Condition.* Any combination of events, faults, errors, or expected environmental conditions that result in a reduction in the capability of the airplane, a reduction in the ability of the crew to cope with adverse operating conditions, or which would prevent continued safe flight and landing.

j. *Failure Effect(s).* The consequence(s) of a failure mode on the system, subsystem, unit or part's operation, function, or status.

k. *Failure Mode.* The manner in which a system, subsystem, unit, part or function can fail.

l. *Fault.* An undesired anomaly in the functional operation of a system, subsystem, unit or part.

m. *Fault Tree.* A fault tree is a graphic representation of the various parallel and series combinations of subsystem and component failures which can result in a specified system fault. The fault tree, when fully developed, may be mathematically evaluated to establish the probability of the ultimate undesired event occurring as a function of the estimated probabilities of identifiable contributory events.

n. *Flight Time.* The time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing.

o. *Frequency of Occurrence.* The probability expressed as a fraction from zero (event never occurs) to one (event always occurs), that a particular event will occur within a specified period. Three probability classifications are given below and are defined in quantitative as well as qualitative terms for use with the various types of analytical techniques listed in Section 6 of this advisory circular:

1. *Probable.* A frequency of occurrence in an order of 1.0×10^{-5} or greater per hour of flight time. Probable events may be expected during the operational life of each airplane.

2. *Improbable.* A frequency of occurrence in the range from approximately 1.0×10^{-5} to 1.0×10^{-9} per hour of flight time. Improbable events are not expected to occur during the total operational life of a single airplane of a particular type, but are expected to occur during the total operational life of all airplanes of a particular type.

3. *Extremely Improbable.* A frequency of occurrence on the order of 1.0×10^{-9} or less per hour of flight time. Extremely improbable events are so unlikely that for the purpose of analysis they need not be considered, unless engineering judgment would require their consideration.

Notes.—(a) If appropriate, the calculation of probabilities of failure conditions for systems which are used only at specific times during flight such as takeoff or landing should be done on an event basis; i.e., per takeoff or per landing. However, the quantitative analysis of equipment which is required for a particular type of flight condition for which the airplane is approved may not take credit

for the fact that the flight condition does not always exist. For example, the analysis of airplanes approved for flight at night may not take credit for the fact that hours of darkness are only experienced 50 percent of the time. The probability of the existence of the particular flight condition for which the airplane is approved should be assumed to be one for purposes of quantitative analysis. (b) The three probability terms defined in paragraph 5o above are intended to relate to the effects on the airplane resulting from the loss of a function or functions. These terms do not define the reliability of specific components or systems. (c) The range of numerical values assigned to each of the terms is intended to minimize differences in the interpretation of what these terms mean when used in § 25.1309 of the Federal Aviation Regulations. It is important to realize that these terms and others such as "reliable," "unlikely," and "remote" are used throughout the Federal Aviation Regulations. In many cases, these other terms were used prior to Amendment 25–23. Careful judgment is necessary when interpreting the intent of any regulation using such terms. In all cases, the effect of the given failure conditions should be considered.

p. *Function.* Each special purpose performed by a system, subsystem, unit or part.

q. *Inductive.* The term used to describe those analytical approaches involving the systematic evaluation of the defined parts or elements of a given system or subsystem to determine specific characteristics of interest (the "bottom-up," or "what happens if" approach). An inductive approach will assume a component condition or initiating event and attempt to determine the corresponding effect on the overall system.

r. *Latent Failure.* A failure that is not inherently revealed at the time it occurs.

s. *Qualitative.* The term used to describe those analytical approaches which are oriented toward relative, nonmeasurable and subjective values.

t. *Quantitative.* The term used to describe those analytical approaches which are oriented toward the use of numbers or symbols used to express a measurable quantity.

u. *Redundancy.* The existence of more than one means of accomplishing a given function where all means must fail before there is an overall failure of the function.

v. *Reliability.* The probability that a system, subsystem, unit or part will perform its intended function for a specified interval under stated operational and environmental conditions.

6. *Analytical Techniques.* a. The first step in determining compliance with FAR 25.1309(b) should be to determine the criticality of the system or installation to be certificated. This analysis may be conducted using service experience, engineering, or operational judgment, or by using a top-down deductive qualitative analysis which examines each function performed by the system. The analysis should determine the criticality of each system function, i.e., either non-essential, essential, or critical. Each system function should be analyzed with respect to functions performed by other aircraft systems. This is necessary because the loss of different but related functions provided by separate systems may affect the criticality category assigned to a particular system.

This type of analysis, variously referred to as a preliminary hazard analysis, criticality categorization, or criticality assessment may contain a high level of detail in some cases, such as for an integrated electronic flight instrument system. However, many installations may only need an informal review of the system design by the applicant for the benefit of the FAA certification personnel to determine the criticality of the functions performed by the system. For example, passenger entertainment systems usually will be categorized as performing non-essential functions with little or no formal evaluation of the system design.

The purpose of the preliminary hazard analysis is to identify the critical and essential functions and the systems which must operate properly to accomplish these functions. Once the criticality of a system has been established, the additional analytical techniques which might be useful in determining compliance with FAR 25.1309(b) are more easily identified.

b. Analysis of systems which perform non-essential functions. Although a preliminary hazard analysis has been accomplished, and it has been determined that a particular system performs only non-essential functions, this is not sufficient for demonstrating compliance with the requirements of FAR 25.1309(b). It is also necessary to determine if failures of the system could adversely affect the accomplishment of any essential or critical function.

In general, the installation of a non-essential system should be accomplished in a manner which insures its independence and siolation from other systems in the airplane which perform critical or essential functions. If a review of the design based on good engineering judgment determines that system faults cannot affect essential or critical functions, then no further analysis is necessary. If the installation does not have satisfactory isolation from systems which perform essential or critical functions, or if the system complexity is such that a design review alone cannot adequately establish that such isolation has been achieved, then the system may have to be analyzed using more rigorous methods, some of which are described in paragraphs 6c and 6d, below.

Special care must be taken with systems that perform non-essential functions which provide information for use by the flight crew, such as engine performance data systems. Systems of this type, which are not required by regulation and also are non-essential, may have hazardous failure modes which provide misleading information to the flight crew without warning. These systems may have to be analyzed as a system which performs an essential function.

Typically, systems such as galleys, position lights, public address systems, and interior cabin lights, to name a few, should be certificated based on a design review alone without the need of a formal failure analysis. Note that some systems required by regulation may be found to perform non-essential functions using the criteria of this advisory circular.

c. Analysis of systems which perform essential functions. The analysis necessary for systems which perform essential functions, as determined from the preliminary hazard analysis, is a variable controlled by the dependence of other systems on the system under analysis. If there is little or no interdependence, it is only necessary to show that the failure of the system to satisfactorily perform its function is improbable. Satisfactory service history of the equipment under analysis or similar units will be acceptable for showing compliance. Compliance may also be shown by a quantitative reliability analysis using MIL–STD–217C or component failure rate data gathered by the equipment manufacturer. For quantitative analysis, improbable is taken to be in range from 1.0×10^{-5} to 1.0×10^{-9} occurrences per hour of flight time. An acceptable frequency of occurrence should be agreed upon with the FAA for a particular system.

Many units which perform essential functions have dual or greater redundancy. It is essential that redundant systems meet the required frequency of occurrence criteria. For example, if the criteria for a dual redundant system is a frequency of occurrence of 1×10^{-6} per hour of flight, then the acceptable frequency of occurrence for each system should be 1×10^{-3} or less. If redundancy exists and there is some evidence to indicate satisfactory reliability of the components of the system, no further

analysis is necessary. An example of an essential system which would not require additional analysis is a dual compass system whose components have demonstrated acceptable reliability. For complex systems, a failure modes and effects analysis may be necessary to verify that the redundancy actually exists, and to show that the failure modes of the system do not have an adverse effect on other essential or critical functions. A complete quantitative safety analysis will not usually be necessary.

If failure modes are found to exist which can adversely affect essential or critical functions, these failure modes should be shown to be improbable or extremely improbable, as appropriate, using the safety analysis technique described by paragraph 6d below. However, single failure modes will not usually be accepted as being extremely improbable.

d. Analysis for systems which perform critical functions. A quantitative safety analysis will generally be necessary for each critical function identified by the preliminary hazard analysis. Inability to satisfactorily perform critical functions should be extremely improbable. For purposes of quantitative analysis, extremely improbable is taken to mean frequencies of occurrence on the order of 1.0×10^{-9} per hour of flight and less. This safety analysis may consist of the following:

1. *Fault Tree.* A top down deductive analysis identifying the conditions necessary to cause the loss of the critical function.

2. *Failure Modes and Effects Analysis.* An inductive bottom up analysis which determines what happens to the system upon single failures of its individual components. These failure modes are used as the bottom level events of the fault tree.

3. *Reliability Study.* Determines the probability of the single faults used as bottom level events of the fault tree from component failure rate data and exposure times to both active and latent failures. The probability of all event conditions in the fault tree will then be calculated from this data. The fact that maintenance of flight crew checks will be performed throughout the life of the system is relevant to quantitative analysis. When exposure times relevant to failure probability calculations are affected by flight crew checks or inspection intervals, these time intervals should be clearly specified in appropriate documents.

The U.S. Nuclear Regulatory Commission published NUREG–0492 in January 1981 titled "Fault Tree Handbook." This document describes in detail the procedures necessary to construct a fault tree and analyze the reliability of a complex system in a quantitative manner. The format of quantitative analyses which use NUREG–0492 as a guide will be acceptable to the FAA. Copies of this document can be obtained from the National Technical Information Service, or from:

GPO Sales, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The most often encountered difficulty with quantitative analyses presented to the FAA has been the improper treatment of events which are not mutually independent. The probability of occurrence of two events which are mutually independent may be multiplied to obtain the probability that both events occur using the formula:

$$P(A \text{ and } B) = P(A)P(B).$$

This multiplication will produce an incorrect solution if A and B are not mutually independent. Often a quantitative analysis will be defective because a single failure will be included as a primary event at more than one location and then improperly combined with itself in computing the probability of the top event of a fault tree. This problem and others which are typically encountered in a quantitative analysis based on a fault tree are clearly explained in NUREG–0492.

For very simple installations, it may be possible to successfully analyze a critical function without using the detailed formal procedures outlined above. In general, the simultaneous failure of two reliable independent systems, each of which has dual redundancy, is expected to be extremely improbable. However, the difficulty is to establish that the two systems are actually independent. Systems may have common failure modes such as loss of electrical power or cooling air which would cause their simultaneous failure.

Some systems which perform critical functions that have been identified on various transport category airplanes are listed below. This list is only to provide a guide as to the types of functions which may be critical. Each airplane model must be examined to determine what functions are critical.

Examples of systems which perform critical functions:

1. The primary flight control system.

2. Hydraulic power for airplanes with powered flight control systems and no manual revision.

3. Secondary flight control systems if failure of these systems can result in uncontrolled flight.

4. Engine control system elements that affect all engines simultaneously.

5. Critical digital systems which are used separately, but which have identical firmware/software, where a common design error could lead to simultaneous failure conditions.

6. For airplanes certificated for flight in IFR conditions, the total systems and displays which provide the flight crew with any of the following:

(a) Attitude Information

(b) Altitude Information

(c) Airspeed Information

7. Automatic landing system for use in low visibility landings.

e. The analytical techniques outlined in this section have been used successfully in determining compliance with the requirements of FAR 25.1309(b). Other comparable techniques exist and may be proposed by an applicant for use in any certification program. However, these methods should be proposed to the FAA certificating office early in the program. Early agreement between the applicant and the Federal Aviation Administration should be reached on the methods of analysis to be used, identification of critical functions, and assumptions to be used in the acceptance of the proposed analysis.

f. The analysis should be clearly documented. All assumptions, sources of reliability data, failure rates, system functional type (critical, non-essential, essential), etc. should be concisely documented for ease of review. To the extent feasible, the analysis should be self-contained.

7. *Recommendation.* The purpose and intent of this advisory circular is to provide guidance. Terms and methods of analysis which may be utilized in demonstrating compliance with FAR § 25.1309 are included. If additional explanation or discussion is desired, contact the Office of Airworthiness, Aircraft Engineering Division, Systems Branch, AWS–130, 800 Independence Avenue SW., Washington, D.C. 20591, or phone 202–426–8395.

[FR Doc. 81-37141 Filed 12-30-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular, Public Debt Series—No. 39-81]

Interest Rate on Notes of Series K-1985

December 23, 1981.

The Secretary announced on December 22, 1981, that the interest rate on the notes designated Series K-1985, described in Department Circular—Public Debt Series—No. 39-81 dated December 10, 1981, will be 14-⅛ percent. Interest on the notes will be payable at the rate of 14-⅛ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplement Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-37234 Filed 12-30-81; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 251
Thursday, December 31, 1981

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).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Federal Maritime Commission	2
International Trade Commission	3
Securities and Exchange Commission	4

1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 A.M., Friday, January 8, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1943-81 Filed 12-29-81; 9:02 am]

BILLING CODE 6351-01-M

2

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m., January 6, 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. Monthly Report of the Managing Director of Actions Pursuant to Delegated Authority.
2. Agreement No. 2744-46: Modification of the Atlantic & Gulf/West Coast of South America Conference Agreement to limit membership to vessel operating common carriers.
3. Agreement No. 10424: Establishment of the United States Atlantic & Gulf/Jamaica and Hispaniola Conference Agreement.
4. Agreements Nos. T-3453 and T-3453-A: Terminal use agreements between the Puerto Rico Ports Authority and Puerto Rico Maritime Shipping Authority at San Juan, Puerto Rico.
5. Report on terminal handling charges of conferences serving the U.S. East and Gulf Coast trades.

Portion closed to the public:

1. Docket No. 81-11: "50 Mile Container Rules"—Consideration of draft report.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1946-81 Filed 12-29-81; 2:52 pm]

BILLING CODE 6730-01-M

3

INTERNATIONAL TRADE COMMISSION

[USITC SE-81-41A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCMENT: 46 FR 62998, December 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Monday, January 4, 1982.

CHANGES IN THE MEETING: Emergency action to close a portion of the meeting originally announced as open to the public.

Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(4) and in conformity with 19 CFR 201.36(b)(4), Commissioners Alberger, Calhoun, Stern, Eckes, and Frank voted by action jacket INV-81-191 to hold a portion of the discussion with respect to item No. 6 [Investigation 731-TA-52 [Preliminary] (Sheet Piling from Canada)—briefing and vote] in closed session.

Commissioners Alberger, Calhoun, Stern, Eckes, and Frank determined, pursuant to 19 CFR 201.37(b) that Commission business requires the change in the determination of the Commission to open or close this portion of the meeting and directed the issuance of this notices at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1945-81 Filed 12-29-81; 11:32 am]

BILLING CODE 7020-02-M

4

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of January 4, 1982, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, January 5, 1982, at 10:00 a.m.

An open meeting will be held on Thurday, January 7, 1982, 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, January 5, 1982, at 10:00 a.m., will be:

Formal orders of investigation.
Settlement of administrative proceeding of an enforcement nature.
Dismissal of injunctive action.
Institution of injunctive actions.
Regulatory matter bearing enforcement implications.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Freedom of Information Act appeal.

The subject matter of the open meeting shceduled for Thursday, January 7, 1982, at 10:00 a.m., will be:

1. Consideration of whether to grant the request of Stradley, Ronon, Stevens & Young for a waiver of imputed disqualification pursuant to Rule 8(d) of the Coommission's Conduct Regulation. For further information, please contact Myrna Siegel at (202) 272-2430.
2. Consideration of whether to issue a release rescinding Rule 15b2B-1 under the Securities Exchange Act of 1934. For further information, please contact Thomas G. Lovett at (202) 272-2415.
3. Consideration of whether to (i) adopt amendments to Rule 11Aa2-1 ("Rule") under the Securities Exchange Act, including both technical amendments and amendments that would increase the number of securities eligible for national market system ("NMS") designation; and (ii) postpone the effective date of the Rule so that the designation of the first NMS securities will become effective March 1, 1982, rather than February 1, 1982. For futher information, please contact William W. Uchimoto at (202) 272-2906.
4. Consideration of whether to adopt an amendment to Securities Exchange Act Rule 15b-9 (the self-underwriting rule for SECO broker-dealers) that provides a conditional

exception to that rule for SECO broker-dealers that limit their business to participating in the offer and sale of securities isued by an affiliate that is not a broker-dealer. For further information, please contact Colleen Curran Harvey at (202) 272–2826.

5. Consideration of whether to adopt certain proposed amendments to Rule 465 under the Securities Act of 1933 regarding automatic effectiveness of post-effective amendments filed by certain investment companies which would facilitate the process by which open-end management investment companies may send prospectuses in lieu of otherwise required annual reports to shareholders. For further information, please contact Susan P. Hart at (202) 272–2098.

6. Consideration of whether to publish for comment (1) Rule 466 under the Securities Act of 1933 providing for automatic effectiveness of post-effective amendments filed by insurance company separate accounts; (2) an amendment to Rule 465 under the 1933 Act permitting registrants to designate an effective date for post-effective amendments filed pursuant to paragraph (a); and (3) related amendments to registration statement forms under the 1933 Act and 1940 Act. For further information, please contact Susan P. Hart at (202) 272–2098.

7. Consideration of whether to propose a revision of Article 6 of Regulation S–X which is applicable to financial statements filed by registered investment companies. The revisions to Article 6 being considered are intended 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. The Commission will also consider similar revisions to financial statement requirements for employee stock purchase, savings and similar plans. For further information, please contact Clarence M. Staubs at (202) 272–2133.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

December 28, 1981.

[S–1944–81 Filed 12–29–81; 11:12 am]

BILLING CODE 8010–01–M

federal register

Thursday
December 31, 1981

Part II

Office of the Federal Register

Incorporations by Reference; Approval in Titles 7 through 16 and Corrections to Title 46

Title 7 Chapters I and IX—Agricultural Marketing Service, Department of Agriculture
Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture
Chapter XVII—Rural Electrification Administration, Department of Agriculture

Title 9 Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture
Chapter III—Food Safety and Inspection Service, Department of Agriculture

Title 10 Chapter I—Nuclear Regulatory Commission
Chapter II—Department of Energy

Title 12 Chapter VIII—National Credit Union Administration

Title 13 Chapter I—Small Business Administration

Title 14 Chapter I—Federal Aviation Administration, Department of Transportation

Title 16 Chapter II—Consumer Product Safety Commission

Title 46 Subchapters D, H, O, Q, R, T, U, and V—Coast Guard, Department of Transportation

OFFICE OF THE FEDERAL REGISTER

1 CFR Part 51 and CFR Titles 7, 9, 10, 12, 13, 14, 16, and 46

Approval of Incorporations by Reference

AGENCY: Office of the Federal Register.

ACTION: Approval of incorporations by reference and corrections.

SUMMARY: The Office of the Federal Register publishes a document listing materials that have been approved by the Director for incorporation by reference. The document also corrects a previously published listing.These references appear in Titles 7 through 16 and 46 of the *Code of Federal Regulations* (CFR). This document is published to inform the public of materials that have the Director's approval and have the same legal status as if they were published in full text in the **Federal Register.**

EFFECTIVE DATE: The Director approves the following incorporations by reference for one year effective January 1, 1982, unless otherwise noted.

ADDRESSES: For specific addresses where materials are available, see table. Materials are also on file at the Office of the Federal Register, 1100 L Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Joan F. Montgomery, (202) 523–4534.

SUPPLEMENTARY INFORMATION:

Background. Each agency that wishes material incorporated by reference to remain effective must annually submit to the Director a list of that material and the date of its last revision (1 CFR 51.13). The materials included on the table below are incorporated by reference under 5 U.S.C. 552(a) and 1 CFR Part 51. These procedures provide that material approved for incorporation by reference by the Director of the Federal Register has the same legal status as if it were published in full text in the **Federal Register.**

Availability. Before an agency may incorporate by reference any material, it must make the material reasonably available to the class of persons affected by it. Agencies have listed addresses where you can obtain each item included in the table. The materials approved for incorporation by reference are also available for inspection and copying at the Office of the Federal Register, Room 8401, 1100 L St., NW, Washington, DC, phone (202) 523–5240.

Amendments. If the agency wishes to amend material before the annual approval expires, the agency shall publish a notice which announces the amendment and states where the material may be obtained. The agency shall also assure that the material and its amendments are available to the public and on file at the Office of the Federal Register. Unless the agency follows these procedures, the amendments are not approved.

Quarterly Publication. The titles of the CFR are generally revised according to the following schedule:

Title 1 through Title 16—as of January 1.

Title 17 through Title 27—as of April 1.

Title 28 through Title 41—as of July 1.

Title 42 through Title 50—as of October 1.

Every quarter, the Office of the Federal Register publishes a document on incorporation by reference. This quarterly document contains the following information on incorporation by reference. First, it contains a table of materials in the applicable titles that have been reapproved for incorporation by reference under 1 CFR 51.13. Second, the document contains a listing of any materials which were granted extensions under 1 CFR 51.13 review in the last quarter and have since received final approval by the Director of the Federal Register. And third, the document may contain corrections to previously published incorporation by reference approval documents.

Material which is approved in a timely fashion during the quarterly review process is also listed in the appropriate *Code of Federal Regulations* volume(s).

How the Table is Arranged. The table is arranged first by headings indicating the CFR title and chapter and the name of the agency incorporating the material. Under each of these headings are listed the name of the standards producing organization, a description of the material being incorporated and where it is available, and the CFR part or section where the material is referenced.

Problems. If you have any problems obtaining the material, notify the agency. If you find the material is not available, notify the Director of the Federal Register (NARS), Washington, DC 20408 or call (202) 523–4534.

John E. Byrne,

Director of the Federal Register.

46 CFR CH. I–COAST GUARD, DOT–CORRECTION

In FR Doc. 81–27948, appearing at page 47938 in the issue for Wednesday, September 30, 1981, make the following changes:

1. On pages 47943, 47947, 47952 and 47953, the entry beneath Underwriters Laboratories which presently reads "UL 19–Woven–jacketed Rubber Lined Fire Hose, 1971" should be changed to read "UL 19–Woven–jacketed Rubber Lined Fire Hose, 1978" wherever it appears.

2. On page 47948, the entry beneath American National Standards Institute which presently reads "ANSI B16.5–1979–Steel Pipe Flanges and Pipe Fittings" should be changed to read "ANSI B16.5–1977–Steel Pipe Flanges and Pipe Fittings"

3.On page 47950:

a. The entry beneath Naval Publications Forms Center which reads "L–P–406 Plastic, organic, General Specification (Test Methods) , B, Amdt. 1.....161.010–1" should be removed.

b. In the entry beneath Naval Publications Forms Center which presently reads "QQ–B–611–Brass, Commercial; Bars, plates, rods shapes, Sheets and Strip, A, and Amdt. 4", the reference to Amdt. 4 should be removed.

c. Before the final entry on the page, the following entry should be added:"No. 370–Instrumental Photometric Measurements of Retroflective Materials and Retroreflective Devices, 1977.....164.018–1".

4. On page 47951, the entry beneath Underwriters Laboratories which presently reads "UL 198B–Class H Fuses, 1975" should be changed to read "UL 198B–Class H Fuses, 1981"

5. On page 47953, beneath 46 CFR Subchapter V, American National Standards Institute, add the following entry after the existing entry: "ANSI/ASME PVHO 1 Safety Standard for Pressure Vessels for Human Occupancy, 1981....197.204; 197.205; 197.300; 197.328".

7 CFR CHAPTERS I AND IX (PARTS 0 TO 45, 46 TO 51, 53 TO 209, AND 900 TO 999)
AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

	7 CFR
American Society for Testing and Materials 1916 Race St., Philadelphia, PA 19103	
ASTM D 584–72 Standard Method of Test for Wool Content of Raw Wool	31.204(a)(5)(i)
ASTM D 1060–71 Standard Method of Core Sampling of Raw Wool in Packages for Determination of Percentages of Clean Wool Fiber Present.	32.204(a)(5)(i); 32.204(b)(4)(i)
ASTM D 2255–79 Standards for Appearance Grade Yarn on Bobbins	28.956 (Item 18.1)
Association of Official Seed Analysts Secretary Treasurer, AOSA, c/o U.S. Department of Agiculture, Seed Standardization Branch, Rm. 213, Bldg. 306, Agricultural Research Center, Beltsville, MD 20705	
Contribution No. 26, Microbiological Assay of Fungicide—Treated Seeds, AOSA Handbook on Seed Testing, revised May 1964.	201.58c
Contribution No. 28, A Standardized Phenol Method for Testing Wheat Seed for Varietal Purity, AOSA Handbook on Seed Testing, revised June 1965.	201.58a(c)
Federal-State Inspection Service Oregon Department of Agriculture, Agriculture Bldg., Salem, OR 97310.	
Oregon Grade Standards Filberts in Shell (August 25, 1975, Edition)	982.45; 982.51; 982.453
Oregon Grade Standards for Filberts (Hazelnut) Kernels (July 20, 1976, Edition)	982.50; 982.101
Munsell Color Company 2411 North Calvert St., Baltimore, MD 21218	
USDA Walnut Color Chart: (Shelled Walnuts), (Walnuts in the Shell)	51.2276; 51.2946

7 CFR CHAPTER III (PARTS 300 TO 399)
ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

	7 CFR
Agriculture Department Regulatory Support Staff, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, USDA, Room 635, Federal Bldg., Hyattsville, MD 20782	
NOTE: The Japanese Beetle Program Manual is approved for incorporation by reference until Oct. 1, 1982.	
Japanese Beetle Program Manual–APHIS M–301–48 (June 1979)	301.48–1
Plant Protection & Quarantine Programs Treatment Manual–Jan. 1976 (revised as of Dec. 1980)	331.7(a)

7 CFR CHAPTER XVII (PARTS 1700 TO 1799)
RURAL ELECTRIFICATION ADMINISTRATION, DEPARTMENT OF AGRICULTURE

Copies of Appendix A Bulletins will be available upon request in person or by mail to the Management Service Division, Room 4024–S, Washington, D.C. 20250.

Rural Electrification Administration

	7 CFR
40–7 National Electrical Safety Code-ANSI C2, 1981 Edition 5/81	Part 1701
43–5 List of Materials Acceptable for Use on Systems of REA Electrification Borrowers 7/78 with/all supplements to 4/79.	Part 1701
44–2 Specification for Wood Poles, Stubs and Anchor Logs, and for Preservative Treatment of These Materials to be Purchased by REA Borrowers, Electric and telephone 11/76 with/all supplements to 11/77.	Part 1701
44–3 Specification for Wood Crossarms, Solid and Laminated Transmission Timbers, to be Purchased by REA Borrowers, Electric and Telephone 1/72 with/all supplements to 12/75.	Part 1701
44–4 Quality Control and Inspection of Timber Products 11/76	Part 1701
61–10 Powerline Contacts by Eagles and Other Large Birds 3/79	Part 1701
62–1 Transmission Line Manual 8/80 with/all supplements to 7/78	Part 1701
83–1 Adequate Grounding of Primary Distribution Lines 3/77	Part 1701
344–2 List of Materials Acceptable for Use on Telephone Systems of REA Borrowers 1/79, with all supplements to 9/80	Part 1701
345–4 Specification for Wood Crossarms, Construction Lumber, and Pole Keys, and for the Preservative Treatment of These Materials to be Purchased by REA Borrowers (PE–16) 1/72, with all supplements to 12/75.	Part 1701
345–6 REA Standard for Splicing Plastic-Insulated Cables (PC–2) 1/78	Part 1701
345–7 REA Standard for Splicing Plastic-Insulated Cables to Paper-Insulated Cables (PC–3) 7/66	Part 1701
345–8 Splicing Standard for Joining Paper or Pulp-Insulated, Lead-Sheathed Cables to Paper or Pulp-Insulated Cables, Lead-Sheathed Cables (PC–1) 7/66.	Part 1701
345–13 REA Specification for Aerial and Underground Telephone Cable (PE–22) 6/78, with all supplements to 4/79	Part 1701
345–14 REA Specifications Telephone Cables (Air Core) for Direct Burial (PE–23) 7/78, with all supplements to 4/79	Part 1701
345–16 REA Specification for Reinforced Heavy Duty Point Type Transportation Brackets (PE–18) 9/62	Part 1701
345–18 REA Specification for Plastic-Insulated, Plastic-Jacketed Station Wire (PE–20) 3/73	Part 1701
345–20 REA Specification for Figure 8 Multipair Distribution Wire (PE–28) 7/68	Part 1701
345–21 REA Specification for Polyethylene Raw Material (PE–200) 5/80, with all supplements to 9/80	Part 1701

7 CFR CHAPTER XVII (PARTS 1700 TO 1799)—Continued
RURAL ELECTRIFICATION ADMINISTRATION, DEPARTMENT OF AGRICULTURE—Continued

	7 CFR
345–22 REA Specification for Voice Frequency Loading Coils (PE–26) 10/78	Part 1701
345–24 REA Specification for Spindle-Threaded, Steel Communication Insulator Pins and Associated Plastic Bushing (PE–34) 9/62.	Part 1701
345–25 REA Specification for Deadend Clevis Assembly for use with Open Wire Telephone Conductors (PE–36) 12/62	Part 1701
345–27 REA Specification for D–66/H–88 Junction Impedance Compensators (PE–31) 2/74	Part 1701
345–30 REA Specification for Ringing Generator Equipment (PE–40) 2/71, with all supplements to 2/73	Part 1701
345–38 REA Specification for Wood Crossarms Brace (PE–13) 11/63	Part 1701
345–42 REA Specification for Low Loss Buried Distribution Wire (PE–44) 3/71	Part 1701
345–46 REA Specification for Clamps to Support Figure 8 Distribution Wire (PE–48) 7/68	Part 1701
345–50 REA Specification for Trunk Carrier Systems (PE–60) 9/80	Part 1701
345–51 REA Specification for Crystalline Proplylene/Ethylene Copolymer Raw Material (PE–210) 4/67	Part 1701
345–52 REA Standard for Service Entrance and Station Protector Installations 1/80	Part 1701
345–53 REA Specification for Encapsulations, Splice Closure, and Pressure Blocks (PE–70) 3/71	Part 1701
345–54 REA Specification for Telephone Cable Splicing Connectors (PE–52) 12/71	Part 1701
345–55 REA Specification for Central Office Loop Extenders & Loop Extender voice Frequency Repeater Combinations (PE–61) 12/73.	Part 1701
345–58 REA Specification for Flexible and Semirigid Polyvinyl Chloride Raw Material (PE–220) 7/69	Part 1701
345–59 REA Specification for Inside Wiring Cable (PE–71) 3/71, with all supplements to 3/78	Part 1701
345–60 REA Specification for Coaxial Drop Cable for ETV and Other Wide Band Applications (PE–73) 10/69	Part 1701
345–61 REA Specification for Switchboard Cable (PE–72) 3/71, with all supplements to 3/78	Part 1701
345–63 REA Standard PC–4 for Acceptance Tests and Measurements of Telephone Plant 5/76	Part 1701
345–64 REA Specification for Ringers (PE–47) 4/7	Part 1701
345–65 REA Specification for Cable Shield Bonding Connectors (PE–33) 6/78	Part 1701
345–66 REA Specification for Subscriber Carrier Systems (PE–64) 9/79 with all supplements to 8/80	Part 1701
345–67 REA Specification for Filled Telephone Cables (PE–39) 11/76, with all supplements to 4/79	Part 1701
345–69 REA Specification for Two-Wire Voice Frequency Repeater Equipment (PE–29) 1/78	Part 1701
345–70 REA Specification for Filled Buried Wire (PE–54) 8/74, with all supplements to 3/80	Part 1701
345–72 REA Specification for Filled Splice Cases (PE–74) 5/75	Part 1701
345–75 REA Specification for Electronic Trunk Circuits (PE–65) 1/77	Part 1701
345–77 REA Specification for Serving Area Interface Housings (PE–79) 1/78	Part 1701
345–78 REA Specification for Carbon Arrestor Assemblies for Use in Protectors (PE–78) 2/80 with all supplements to 7/80.	Part 1701
345–80 REA Specification for Flat Oval Telephone Cords (PE–75) 7/78	Part 1701
345–82 REA Specification for Wood Telephone Pedestal Stubs (PE–82) 6/80	Part 1701
345–84 REA Specification for Expanded Dielectric Coaxial Cable (PE–84) 9/80	Part 1701

NOTE: The following publications are approved for incorporation by reference until Mar. 1, 1982

1–7 General Funds 12/77 with/all supplements to 3/79	Part 1701
2–1 Guiding Statement of REA Policy Concerning Its Relationship with Borrowers 8/69	Part 1701
5–1 Joint Use of REA Borrowers' Facilities by Electric and Telephone Systems 3/54 with/all supplements to 2/72	Part 1701
20–2 Electric Loan Policies and Application Procedures 6/77 with/all supplements to 4/79	Part 1701
20–3 Obtaining Adequate Right-of-Way and Submission of Title Evidence by Electric Borrowers 7/56 with/all supplements to 10/76.	Part 1701
	Part 1701
20–5 Extensions of Payments of Principal and Interest 5/72	Part 1701
20–6 Loans for Generation and Transmission 5/69	Part 1701
	Part 1701
20–8 Purchase of Real Estate by Electric Borrowers 7/63	Part 1701
20–9 Notes, Interest Computation, Payments, and Loan Account Statements 10/76 with/all supplements to 1/78	Part 1701
20–14 Supplemental Financing for Loans Considered Under Section 4 of the Rural Electrification Act 2/71 with/all supplements to 8/78.	Part 1701
20–15 Equal Employment Opportunity in Construction Financed with REA Loans 7/70	Part 1701
20–19 Nondiscrimination Among Beneficiaries of REA Programs 7/78	Part 1701
20–20 Deferment of Principal Repayments for Investment in Supplemental Lending Institutions 1/71	Part 1701
20–21 Environmental Policies and Procedures 1/80	Part 1701
20–22 Guarantee of Loans for Bulk Power Supply Facilities 4/77	Part 1701
20–23 Section 12 Extensions for Energy Resources Conservation Loans 12/80	Part 1701
24–1 Electric Loan Policy for Section 5 Loans 3/69	Part 1701
26–1 Budgetary Control and Advance of Loan Funds 5/71 with/all supplements to 10/79	Part 1701
40–1 Payments to Architects, Engineers, Contractors, and Suppliers 3/69	Part 1701
40–2 Insurance Coverage for Borrower's Contractors, Engineers, and Architects and Bond Requirements for Borrowers' Contractors 4/76 with/all supplements to 6/79.	Part 1701
40–5 Common Use of Poles for Distribution and Transmission Lines 1/70	Part 1701

7 CFR CHAPTER XVII (PARTS 1700 TO 1799)—Continued
RURAL ELECTRIFICATION ADMINISTRATION, DEPARTMENT OF AGRICULTURE—Continued

	7 CFR
40–6 Construction Methods and the Purchase of Materials and Equipment 8/70 with/all supplements to 4/79	Part 1701
40–8 Construction Specifications, Drawings, and Contract Forms for Distribution, Transmission, and Generation Facilities 5/73 with/all supplements to 10/77.	Part 1701
41–1 Engineering Services for Electric Borrowers 5/67 with/all supplements to 11/78	Part 1701
42–1 Architectural Services for Electric Borrowers 8/69	Part 1701
43–6 Selection and Inspection of Materials and Equipment, Electrification Borrowers 12/76	Part 1701
43–9 "Buy American" Requirement 7/55	Part 1701
44–1 Specifications and Standards for Materials and Equipment 10/78	Part 1701
44–5 List of Authorized Independent Inspection Agencies (Timber Products) 6/76	Part 1701
44–7 Acceptance of Standards, Standard Specifications, Drawings, Materials, and Equipment for the Electric and Telephone Programs 4/71.	Part 1701
60–1 Circuit Diagrams, Electrical Data Sheets and Other Drawings for Systems of Electric Borrowers 8/55	Part 1701
60–10 Construction Work Plans, Electric Distribution Systems 12/67	Part 1701
80–11 Reports of Progress of Construction and Engineering Services 5/77	Part 1701
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86–1 Closeout Procedure and Documents for the Construction of Buildings Other Than Generating Plants 12/78	Part 1701
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10 CFR CHAPTER I (PARTS 0 TO 199)
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F.S. HH-I-515C Insulation Thermal (Loose Fill for Pneumatic or Poured Application): (Cellulosic or Wood Fiber)	Part 440, Appendix A
F.S. HH-I-521E Insulation Blankets, Thermal (Mineral Fiber for Ambient Temperatures)	Part 440, Appendix A
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F.S. HH-I-574A Insulation, Thermal (Perlite)	Part 440, Appendix A
F.S. HH-I-585B Insulation, Thermal (Vermiculite)	Part 440, Appendix A

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	10 CFR
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F.S. HH–I–1252A Insulation, Thermal, Reflective (Aluminum Foil)	Part 440, Appendix A
F.S. LLL–I–535A Insulation Board, Thermal & Insulation Block, Thermal	Part 440, Appendix A
Fir and Hemlock Door Association Yeon Building, Portland, OR 92704N	
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National Bureau of Standards Department of Commerce, Washington, DC 20234	
NBS Product Standard PS26–70; Rigid Poly (Vinyl Chloride) (PVC) Profile Extrusions	Part 440, Appendix A
National Woodwork Manufacturers Association 205 W. Toughy Ave., Parkridge, IL 60068	
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Underwriters Laboratories Inc. 207 East Ohio St. Chicago, IL 60611	
UL 296/ANSI Z.96.2–1974 Oil Burners	Part 440, Appendix A
Part 456—Residential energy conservation program	
American National Standards Institute 1430 Broadway, New York, NY 10018	
ANSI Z21.13–1977 Gas-Fired Low Pressure Steam Hot Water Heating Boilers.	456.814; 456.914
ANSI Z21.20–1979 ANSI Standard for Automatic Gas Ignition Systems and Components	456.814
ANSI Z21.47–1978 ANSI Standard for Gas-fired Central Furnaces	456.814; 456.914
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ANSI Z21.66–1978 ANSI Standard for Electrically-Operated Automatic Vent Damper Devices for Use with Gas-fired Appliances.	456.814; 456.914
ANSI Z21.67–1978 ANSI Standards for Mechanically-Actuated Automatic Vent Damper Devices for Use with Gas-fired Appliances.	456.814; 456.914
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ANSI/AAMA 1002.9–1977 Voluntary Specification for Aluminum Combination Storm Windows for External Applications.	456.813
ANSI/AAMA 1102.7–1977 Voluntary Specifications for Aluminum Storm Doors	456.813
ANSI/ASTM B 152–79 Standard Specification for Copper Sheet, Strip, Plate, and Rolled Bar	456.810
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ANSI/ASTM D 2156–65 (1975) ANSI Standard Method of Tests for Smoke Density in the Flue Gases from Distillate Fuels.	456.913
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ASTM C 272–53 Test for Water Absorption of Core Materials for Structural Sandwich Constructions	456.907
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ASTM C 516–75 Standard Specification for Vermiculite Loose Fill	456.806
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ASTM C 755–73 Standard Recommended Practice for Selection for Vapor Barriers for Thermal Insulation	456.903
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Building Officials and Code Administrators, International Inc. 17926 S. Halsted St., Homewood, IL 60430	
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Commerce Department, National Bureau of Standards Washington, DC 20234	
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HH–I–558B (1971 and Interim Amendment 3, 5/76) Insulation Blocks, Boards, Blankets, Felts, Sleeving, and Pipe Fitting Coverings.	456.812
HH–I–573B (1968 and Interim Amendment, 1976) Insulation Thermal, (Flexible Unicellular Sheet and Pipe Covering)	456.812
HH–I–574B (1974 and Interim Amendment 1, 9/76) Insulation, Thermal (Perlite)	456.807
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TT–S–001657 (COM-NBS) (1970) Sealing Compound, Single Component Butyl Rubber Base, Solvent Release Type (for Buildings and Other Types of Construction).	456.812
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Housing and Urban Development Department Office of Technical and Credit Standards, Room 6156, 451 Seventh St., SW., Washington, DC 20410	
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National Fire Protection Administration 470 Atlantic Ave., Boston, MA 02210	
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Environmental Research Division-5333, Albuquerque, NM 87185

SAND 77-1375-1978 Sandia Laboratories Report, Performance Evaluation of Wind Energy Conversion Systems Using the Method of Bins.	456.705

Underwriters Laboratories Inc.
Publication Stock, 333 Pfingsten Road, Northbrook, IL 60062

UL 559, 3rd Ed.-1975, Amendments through 1978 Standard for Heat Pumps	456.814

Part 474 Electronic and Hybrid Vehicle research, development, and demonstration program; equivalent petroleum based fuel economy calculation

Society of Automotive Engineers
400 Commonwealth Dr., Warrendale, PA 15096

SAE J227a, as revised Feb. 1976, Electric Vehicle Test Procedure	474.3

Part 475 Electric and hybrid vehicle research, development, and demonstration project

Society of Automotive Engineers
400 Commonwealth Dr., Warrendale, PA 15096

SAE J227a, as revised Feb. 1976, Electric Vehicle Test Procedure	475.3; 475.10; 475.11

12 CFR CHAPTER VII (PARTS 700 TO 799)
NATIONAL CREDIT UNION ADMINISTRATION

National Credit Union Administration
1776 G St., NW., Washington, D.C. 20456

NOTE: The following publications are approved for incorporation by reference until July 1, 1982.

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NCUA 8001-Federal Credit Union Bylaws (August 1972 & December 1977, July 1978, and August 1980 changes)	701.2(d)(2)
NCUA 8009-Data Processing Guidelines for Federal Credit Unions (September 1972)	701.2(d)(3)
NCUA 8022-Accounting Manual For Federal Credit Unions (Jan. 1975, and Oct. 1975 and June 1976 changes)	701.2(d)(1)

These documents are also available from:
NCUA Region I
441 Stuart St., 6th Floor, Boston, MA 02116
NCUA Region II
New Federal Building, 228 Walnut St., Box 926, Harrisburg, PA 17108
NCUA Region III
1365 Peachtree St., N.E., Suite 500, Atlanta, GA 30367
NCUA Region IV
Federal Office Building, Room 704, 234 N. Summit St., Toledo, OH 43604
NCUA Region V
515 Congress Ave., Suite 1400, Austin, TX 78701
NCUA Region VI
Two Embarcadero Center, Suite 1830, San Francisco, CA 94111

13 CFR CHAPTER I (PARTS 100 TO 199)
SMALL BUSINESS ADMINISTRATION

	13 CFR
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1430 Broadway, New York, NY 10018	
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14 CFR CHAPTER I (PARTS 1 TO 59)
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American National Standards Institute	
1430 Broadway, New York, NY 10018	
IEC Publication No. 179 Precision Sound Level Meters, (1973)	
Part 936, Appendix A, Section A36.3	
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Federal Aviation Administration	
800 Independence Ave., SW., Washington, DC 20590	

14 CFR CHAPTER I (PARTS 1 TO 59)—Continued
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SAE ARP 866A Standard Values at Atmospheric Absorption as a Function of Temperature and Humidity for Use in Evaluating Aircraft Flyover Noise, (March 15, 1975).	Part 36, Appendix A, Sec A36.9
U.S. Government Printing Office Superintendent of Documents, Washington, D.C. 20402	
ANC–18 Bulletin Design of Wood Aircraft Structures (June 1951, Second Edition)	23.613; 25.613; 27.613; 29.613.
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Military Handbook MIL–HDBK–17A Plastics for Aerospace Vehicles (January, 1971)	23.613; 25.613; 27.613; 29.613.
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14 CFR CHAPTER I (PARTS 60 TO 199)
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American National Standards Institute 1430 Broadway, New York, NY 10018	
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Federal Aviation Administration National Flight Data Center, 800 Independence Ave. SW., Washington, D.C. 20590	
Federal Aviation Administration Advisory Circulars:	
Copies of FAA Advisory Circulars are available from the addresses listed at the end of this table.	
150/5100–12 Electron Navigational Aids Approved for Funding Under the Airport Development Aid Program (ADAP) (1976).	152.11
150/5190–3A Model Airport Hazard Zoning Ordinance (1972)	152.11
150/5210–7A Aircraft Fire and Rescue Communications (1972)	152.11
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150/5320–6B Airport Pavement Design and Evaluation (Through change 1, 1974)	152.11
150/5320–10 Environmental Enhancement at Airports—Industrial Waste Treatment (1974)	152.11
150/5320–12 Methods for the Design, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces (1975)	152.11
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150/5335–2 Airport Aprons (1965)	152.11
150/5335–3 Airport Design Standards—Airports Served by Air Carriers—Bridges and Tunnels on Airports (1971)	152.11
150/5335–4 Airport Design Standards—Airports Served by Air Carriers—Runway Geometrics (Through change 1, 1976)	152.11
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	14 CFR
150/5340-4C Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (Through change 1, 1975).	152.11
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150/5340-17A Standby Power for Non-FAA Airport Lighting System (1971)	152.11
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150/5340-20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (1969).	152.11
150/5340-21 Airport Miscellaneous Lighting Visual Aids (1971)	152.11
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150/5340-23A Supplemental Wind Cones (1975)	152.11
150/5340-24 Runway and Taxiway Edge Lighting System (1975)	152.11
150/5340-25 Visual Approach Slope Indicator (VASI) Systems (Through change 1, 1977)	152.11
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150/5345-2 Specifications for L-810 Obstruction Light (through change 1, 1963)	152.11
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150/5345-11 Specification for L-812 Static Indoor Type Constant Current Regulator Assembly; 4 KW and 7½ KW, With Brightness Control for Remote Operation (1964).	152.11
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150/5345-13 Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1964).	152.11
150/5345-18 Specification for L-811 Static Indoor Type Constant Current Regulator Assembly, 4 KW; With Brightness Control and Runway Selection for Direct Operation (Through change 1, 1975).	152.11
150/5345-21 Specification for L-813 Static Indoor Type Constant Current Regulator Assembly; 4 KW and 7½ KW; for Remote Operation of Taxiway Lights (1964).	152.11
150/5345-26A Specification for L-823 Plug and Receptacle, Cable Connectors (Through change 1, 1971)	152.11
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150/5345-45 Lightweight Approach Light Structure (1973)	152.11
150/5345-46 Specification for Semiflush Airport Lights (Through change 1, 1975)	152.11
150/5345-47 Isolation Transformers for Airport Lighting Systems (1975)	152.11
150/5345-48 Specification for Runway and Taxiway Edge Lights (Thorugh change 1, 1976)	152.11
150/5360-6 Airport Terminal Building Development with Federal Participation (1976)	152.11
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150/5370-9 Slip-Form Paving—Portland Cement Concrete (1973)	152.11
150/5370-10 Standards for Specifying Construction of Airports (1974)	152.11
150/5370-11 Use of Nondestructive Testing Devices in the Evaluation of Airport Pavements (1976)	152.11
150/5390-1A Heliport Design Guide (1969)	152.11
36-3B Estimated Airplane Noise Levels in A-Weighted Decibels (1981)	159.40

Address Table for Federal Aviation Administration Advisory Circulars:

FAA Distribution Unit, M-443.1, Department of Transportation Warehouse, 1725 15th St. NE., Washington, D.C. 20002
Airports Division, ANE-600, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803
Airports Division, AEA-600, Federal Aviation Administration, Federal Building, Room 329, John F. Kennedy International Airport, Jamaica, NY 11430
Airports District Office, ADO-NYC, Federal Aviation Administration, Colonial Building, 181 S. Franklin Ave., Valley Stream, NY 11581
Airports District Office, ADO-HAR, Federal Aviation Administration, Terminal Building, Capital City Airport, New Cumberland, PA 17070
Airports District Office, ADO-WASH, Federal Aviation Administration, 900 South Washington St., Falls Church, VA 22046

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Airports Field Office, Federal Aviation Administration, Route 9—Box 31-C, Beaver, WV 25813
Airports Division, ASO-600, Federal Aviation Administration, 3400 Whipple St., East Point, GA 30344
Airports District Office, ADO-ATL, Federal Aviation Administration, Suite C, Room 116, 1568 Willingham Drive, College Park, GA 30337
Airports District Office, ADO-MIA, Federal Aviation Administration, FAA/NWS Building, Miami International Airport, Miami, FL 33159
Airports District Office, ADO-MEM, Federal Aviation Administration, 3973 Knight Arnold Rd., Suite 103, Memphis, TN 38118
Airports District Office, ADO-JAN, Federal Aviation Administration, FAA Building—Municipal Airport, Jackson, MS 39208
Airports Division, AGL-600, Federal Aviation Administration, 2300 East Devon Ave., Des Plaines, IL 60018
Airports District Office, CHI-ADO, Federal Aviation Administration, 2300 East Devon Ave., Des Plaines, IL 60018
Airports District Office, DET-ADO, Federal Aviation Administration, Building 358, Detroit Metropolitan Airport, Detroit, MI 48242
Airports District Office, MSP-ADO, Federal Aviation Administration, 6301 34th Ave. South, Minneapolis, MN 55450
Airports Division, ACE-600, Federal Aviation Administration, Federal Building, 601 East 12th St., Kansas City, MO 64106
Airports Division, ASW-600, Federal Aviation Administration, 4400 Blue Mound Rd., Fort Worth, TX 76131
Airports District Office, ASW-HOU-ADO, Federal Aviation Administration, Wm. P. Hobby Airport, 8800 Paul B. Koonce Dr., Houston, TX 77061
Airports District Office, ASW-ABQ-ADO, Federal Aviation Administration, NWS/FAA Building, Albuquerque International Airport, P.O. Box 9253, Albuquerque, NM 87119
Airports District Office, ASW-OKC-ADO, Federal Aviation Administration, FAA Building, Room 204, Wiley Post Airport, Bethany, OK 73008
Airports Division, ARM-600, Federal Aviation Administration, 10455 East 25th Ave., Aurora, CO 80010
Airports Field Office, BIS-662, Federal Aviation Administration, 2000 Airport Rd., Bismarck, ND 58501
Airports Field Office, HLN-662, Federal Aviation Administration, FAA Building, Room 2, Helena County Airport, Helena, MT 59601
Airports Division, ANW-600, Federal Aviation Administration, FAA Building, Boeing Field, King County International Airport, Seattle, WA 98108
Airports Division, AWE-600, Federal Aviation Administration, 15000 Aviation Blvd., Lawndale, CA 90261
Airports Field Office, AWE-680, Federal Aviation Administration, 15000 Aviation Blvd., Lawndale, CA 90261
Airports Field Office, SFO-680, Federal Aviation Administration, 831 Mitten Rd., Burlingame, CA 94010
Airports Division, AAL-600, Federal Aviation Administration, Anchorage Federal Office Building, P.O. Box 14, 701 C. St., Anchorage, AL 99513
Airports Division, APC-600, Federal Aviation Administration, Prince Jonah Kuhio Kalanianaole Bldg., 300 Ala Moana Blvd., Honolulu, HI 96813

Standard Instrument Approach Procedures (SIAPS)	Part 97
Technical Standard Orders:	
TSO-C10b, Aircraft Altimeter, Pressure, Activated, Sensitive Type (Sept. 1, 1959)	91.36; 127.103
TSO-C74, Airborne ATC Transponder Equipment (Feb. 20, 1973)	91.24; 121.345; 127.123; 135.145
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TSO-C91, Emergency Locator Transmitters (Oct. 21, 1971)	91.52; 121.339; 121.353; 135.167
TSO-92B, Ground Proximity Warning-Glede Slope Deviation Alerting Equipment (Aug. 19, 1976)	121.360
United States Flight Inspection Manual (3d Edition, May, 1963)	171.71
United States Standard for Technical Instrument Procedures (3d Edition, July, 1976)	171.71
International Civil Aviation Organization Attention: Distribution Officer, P.O. Box 400, Succursale: Place de l'Aviation Internationale, 1000 Sherbrooke St. West, Montreal, Quebec, Canada, H3A 2R2	
Annex 2 to the Convention on International Civil Aviation, Rules of the Air, 6th Edition (1970), with amendments through Amendment 20 (Aug. 1976).	91.1 and 135.3(b)
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Pratt & Whitney Aircraft Co. 400 East Main St., East Hartford, CT 06108	
Engineering Change No. 197707	Part 91, SFAR 27, Sec. 14(b).
Service Bulletin 2417	Part 91, SFAR 27, Sec. 14(b).
Service Bulletin 2531	Part 91, SFAR 27, Sec. 14(b).
Radio Technical Commission for Aeronautics (RTCA) 2000 K St., NW., Washington, D.C. 20006	
RTCA Paper 23-63/DO-117 (March 14, 1963) Standard Adjustment Criteria for Airborne Localizer and Glide Slope Receivers.	91, Appendix A, Para 3(a)

16 CFR CHAPTER II (PARTS 1000 TO END)
CONSUMER PRODUCT SAFETY COMMISSION

	16 CFR
American Association of Textile Chemists and Colorists (AATCC) P. O. Box 12215, Research Triangle Park, NC 27709	
AATCC Test Method 124–1969, Appearance of Durable Press Fabrics After Repeated Home Laundering	1615.4(a)(4); 1616.5(c)(4); 1632.5(b)(1)
American National Standards Institute 1430 Broadway, New York, NY 10018	
ANSI C96.1–1964 American Standard for Temperature Measurement Thermocouples, approved June 9, 1964	1505.6(g)(5)
ANSI C101.1–1971 American National Standard for Leakage Current for Applicances	1505.6(e)(3)(iv)
ANSI Z53.1–1971 Safety Color Code for Marking Physical Hazards	1402.4(a)(1)(i)
ANSI Z97.1–1972 or 1975 Performance Specifications and Methods of Test for Safety Glazing Material Used in Buildings.	1201.7(b)(1)
American Society for Testing and Materials 1916 Race St., Philadelphia, PA 19103	
ASTM D 756–56 (1971) Test of Resistance of Plastics to Accelerated Service Conditioning, Procedure A, issued Sept. 10, 1956.	1201.4(d)(2)(iii)
ASTM D 785–65 (1970) Standard Method of Test for Rockwell Hardness of Plastics and Electrical Insulating Materials, August 31, 1965.	1201.4(e)(1)(iii)(B)
ASTM D 790–71 Standard Method of Test for Flexural Properties of Plastics, October 29, 1971	1201.4(e)(1)(iii)(A)
ASTM D 1535–68 Specifying Color by the Munsell System	1402.4(a)(1)(i)
ASTM D 2565–70 Standard Recommended Practice for Operating Xenon-Arc Type (Water Cooled) Light- and Water Exposure Apparatus for Exposure of Plastics, Procedure B, June 12, 1970.	1201.4(b)(3)(ii)
ASTM G 26–70 Standard Recommended Practice for Light- and Water Exposure Apparatus (Xenon-Arc Type) for Exposure of Nonmetallic Materials, April 13, 1970.	1201.4(b)(3)(ii)
National Fire Protection Association Batterymarch Park, Quincy, MA 02269	
NFPA No. 70–1978, 1978 Edition of National Electrical Code, Article 400, Flexible Cords and Cables, pp. 70–230 through 70–241.	1505.5(e)(5)
NFPA No. 70–1971, 1971 National Electrical Code, Article 400, Flexible Cords and Cables, pp. 70–184 through 70–194	1505.5(h)(2)

[FR Doc. 81–37189 Filed 12–30–81; 8:45 am]
BILLING CODE 1505–02–M

federal register

Thursday
December 31, 1981

Part III

Department of Commerce

Office of the Secretary

Privacy Act of 1974; Amendment to Appendices; Annual Publication

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 4b

Amendments to Appendices of Privacy Act Rules

AGENCY: Office of the Secretary, Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce revised Appendices A and B to its Privacy Act Rules (15 CFR 4b.14) which lists Department officials to whom individuals should address requests and appeals.

EFFECTIVE DATE: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Marilyn S. McLennan, U.S. Department of Commerce, Office of Organization and Management Systems, Washington, D.C. 20230, telephone 202-377-4217.

SUPPLEMENTARY INFORMATION: Appendix A is revised to reflect organizational changes such as the position title of a Departmental official, and the transfer of the Maritime Administration from the Department of Commerce to the Department of Transportation pursuant to the Maritime Act of 1981 (Pub. L. 97-31). The only revision to Appendix B is the elimination of reference to the Maritime Administration. Appendix A entitled "Officials to Receive Inquiries, Requests for Access and Requests for Correction or Amendment,":

i. Changes the title of the Privacy Officer for the Bureau of Economic Analysis from "Chief, Planning and Evaluation Officer" to "Chief, Management and Organization Branch."

ii. Changes the title of the Privacy Officer for National Bureau of Standards from "Deputy Director for Information Services" to "Deputy Director of Administration."

iii. Changes the designated Privacy Officer of the Patent and Trademark Office from "Assistant Commissioner for Administration" to "Solicitor."

The Maritime Administration, formerly a component of the Department of Commerce, is now part of the Department of Transportation, and its Privacy Act records are controlled by the Department of Transportation. Accordingly, the reference to the Maritime Administration Privacy Officer is deleted in Appendix A. In Appendix B, "Officials to Receive Appeals from Adverse Determination on Correction or Amendment," the reference to the Maritime Administration Privacy Appeals Officer is deleted for the reasons given above.

There are no other changes to Appendix B.

PART 4b—PRIVACY ACT

The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date do not apply since these revisions of Appendices A and B pertain solely to internal agency management. This regulation is not significant under Executive Order 12291, "Federal Regulations." Accordingly, Appendices A and B to Part 4b of Title 15 of the Code of Federal Regulations are revised to read as follows:

Appendix A—Officials To Receive Inquiries, Requests for Access and Requests for Correction or Amendment [1]

For records in systems of records located [2] Privacy Officer

The Office of the Secretary and all Departmental staff offices—Director, Office of Organization and Management Systems, Main Commerce Building, Washington, D.C. 20230

Office of the Inspector General—Assistant Inspector General for Investigations, Office of the Inspector General, 1325 G Street, N.W., Room 1060, Washington, D.C. 20006

Bureau of Economic Analysis—Chief, Management and Organization Branch, Bureau of Economic Analysis, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230

Bureau of the Census—Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20230

Bureau of Industrial Economics—Administrative Officer, Room 4845, Main Commerce Building, Washington, D.C. 20230

Economic Development Administration—Director, Office of Public Affairs, Economic Development Administration, Main Commerce Building, Washington, D.C. 20230

International Trade Administration—Privacy Act Officer, Office of Management and Systems, International Trade Administration, Room 3102, Main Commerce Building, Washington, D.C. 20230

Minority Business Development Agency—Privacy Officer, Office of Chief Counsel, Minority Business Development Agency, Main Commerce Building, Washington, D.C. 20230

National Bureau of Standards—Deputy Director of Administration, National Bureau of Standards, Room A1105, Administration Building, Washington, D.C. 20234.

National Oceanic and Atmospheric Administration:

Inquiries Only:

All NOAA except NOAA Corps—Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Blvd., Rockville, Maryland 20852

NOAA Corps—Director, National Oceanic and Atmospheric Administration Corps, 6010 Executive Boulevard, Rockville, Maryland 20852

Requests:

All NOAA including NOAA Corps—Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852

National Telecommunication & Information Administration—Director of Administration, National Telecommunications & Information Service, U.S. Department of Commerce, Washington, D.C. 20504

National Technical Information Service—Associate Director for Financial and Administrative Management, National Technical Imformation Service, Springfield, Virginia 22161

Patent and Trademark Office—Solicitor, Patent and Trademark Office, Washington, D.C. 20231

United States Travel Service—Director, Office of Management and Administration, United States Travel Service, Main Commerce Building, Washington, D.C. 20230

Appendix B—Officials To Receive Appeals From Adverse Determination on Correction or Amendment

For records in systems of records located in—Privacy Appeals Officer

The Office of the Secretary and all Departmental staff office—Assistant Secretary for Administration, Main Commerce Building, Washington, D.C. 20230

Office of the Inspector General—Inspector General, Main Commerce Building, Washington D.C. 20230

Bureau of Economic Analysis—Director, Bureau of Economic Analysis, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230

Bureau of the Census—Director, Bureau of the Census, Federal Building 3, Washington, D.C. 20233

Bureau of Industrial Economics—Director, Bureau of Industrial Economics, Main Commerce Building, Washington, D.C. 20230

Economic Development Administration—Assistant Secretary for Economic Development, Main Commerce Building, Washington, D.C. 20230

International Trade Administration—Under Secretary for International Trade, Main Commerce Building, Washington, D.C. 20230

Minority Business Development Agency—Director, Minority Business Development Agency, Main Commerce Building, Washington, D.C. 20230

National Bureau of Standards—Director, National Bureau of Standards,

[1] National Oceanic and Atmospheric Administration subject to division of responsibilities noted below.

[2] If the location of the records within the Department is unknown, address the inquiry to the Privacy Officer for the Office of the Secretary.

Administration Building, Washington, D.C. 20234

National Oceanic and Atmospheric Administration—Administrator, National Oceanic and Atmospheric Administration, Main Commerce Building, Washington, D.C. 20230

National Telecommunications & Information Administration—Assistant Secretary for Communications and Information, 1800 G Street, N.W., Washington, D.C. 20504

National Technical Information Service—Director, National Technical Information Service, Springfield, Virginia 22161

Patent and Trademark Office—Commissioner, Patent and Trademark Office, Washington, D.C. 20231

United States Travel Service—Assistant Secretary for Tourism, Main Commerce Building, Washington, D.C. 20230

Authority: 5 U.S.C. 552a.

Dated: November 18, 1981.

Arlene Triplett,

Assistant Secretary for Administration.

[FR Doc. 81-37260 Filed 12-30-81; 8:45 am]

BILLING CODE 3510-CW-M

DEPARTMENT OF COMMERCE

Privacy Act Issuances; Annual Republication of Systems of Records

AGENCY: Office of the Secretary of Commerce.

ACTION: Annual notice of systems of records; proposal to revise three existing systems and to establish a new system.

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give notice of certain records they maintain. The purpose of this document is to fulfill the annual notice requirement by:

(a) Listing all the Privacy Act systems of records maintained by the Department of Commerce; and

(b) Publishing the full text of all Privacy Act systems of records.

This document also contains a proposal to establish a new system of records COMMERCE/DEPT–11, Candidates for Membership, Members, and Former Members of Department of Commerce Advisory Committees and a proposal to revise three existing systems: COMMERCE/DEPT–1, Attendance, Leave and Payroll Records of Employees and Certain Other Persons, COMMERCE/DEPT–18, Employees Personnel Files Not Covered By Notices of Other Agencies; and NTIS–1, Individuals Interested in NTIS Publications, Shipped Order Addresses, Customer Account Records, and Subscriber Files.

DATES: This document fulfills the annual notice requirements of the Privacy Act. Comments on the proposal to establish the new system of records and to amend the NTIS–1 system are due March 1, 1982. Comments on the revision of COMMERCE/DEPT–1 and COMMERCE/DEPT–18 systems are due February 1, 1982. New System Reports for the new COMMERCE/DEPT–11 system and the amended NTIS–1 system, were submitted to the Congress and to the Office of Management and Budget simultaneously with the publication of this notice. The new system COMMERCE/DEPT–11 and the amended NTIS–1 will become effective 60 days from the date of the new System Report, and proposed revisions of DEPT–1 and DEPT–18, 30 days from the date of this publication, unless the Department notices to the contrary.

FOR FURTHER INFORMATION CONTACT:

Marilyn S. McLennan, U.S. Department of Commerce, Office of Organization & Management Systems, Washington, D.C. 20230, telephone 202–377–4217.

SUPPLEMENTARY INFORMATION:

Explanation of Annual Notice Document

To make it easier for the public to understand the Commerce Department's Privacy Act Implementation, several appendices have been included in this notice which explain revisions and changes to these systems:

(1) Appendix I contains an explanation of the proposed new system of records COMMERCE/DEPT–11, Candidates for Membership, Members and Former Members of Department of Commerce Advisory Committees for which public comments are invited, as well as explanations of revisions to three Department systems which also require public comment—COMMERCE/DEPT–1, Attendance, Leave, and Payroll Records of Employees and Certain Other Persons; COMMERCE/DEPT–18, Employee Personnel Files Not Covered by Notices of Other Agencies; and COMMERCE/NTIS–1, Individuals Interested in NTIS Publications, Shipped Order Addresses, Customer Account Records, and Subscriber Records.

(2) Appendix II contains an explanation of changes to Department systems which do not require public comment.

(3) Appendix III contains changes made to systems of records noticed in the **Federal Register**, since the Department's last republication on December 12, 1980.

(4) This document also contains the complete text of all systems. The text includes a Table of Contents and incorporates material mentioned in 1, 2, and 3, above.

For the items in Appendix I the public is invited to submit written comments to the Assistant Secretary for Administration (Attention: Information Policy Division, Room 5319), U.S. Department of Commerce, Washington, D.C. 20230, (202–377–4217) any time on or before 30 days from the date of this publication for proposed revisions to COMMERCE/DEPT–1 and COMMERCE/DEPT–18 and 60 days for the new systems notice for COMMERCE/DEPT–11 and the amended NTIS–1. These changes will become final unless the Department notices to the contrary.

The comments received will be available for public inspection at the above address between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays.

Simultaneously with this 1981 annual notice document, notice has been submitted for publication in the Rules section of the **Federal Register** (included in this Part III) to indicate changes in the designation of officials authorized to act on Privacy Act requests and appeals, Appendices A and B to the Department Rules at 15 CFR PART 4b. Information about the systems and rules is available by writing or telephoning Marilyn S. McLennan, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–4217.

(5 U.S.C. 552a.)

Dated: November 13, 1981.

Arlene Triplett,

Assistant Secretary for Administration.

Appendix I—Proposed Changes to Commerce Department Systems of Records for Which Public Comment Is Invited

Simultaneous with the republication of Commerce Department systems of records, the Department submitted to the **Federal Register**, a proposed new system of records, and a proposed revision of three existing systems of records. These proposed revisions are listed below to help the reader in identifying the material on which public comment is invited. These revisions have been incorporated in the text of the republished systems.

1. Add a system of records entitled COMMERCE/DEPT—11, Candidates for Membership, Members and Former Members of Department of Commerce Advisory Committees.

The proposed new system describes records maintained on persons recommended for membership, members, and former members of the Department's advisory committees. The purpose of the system is to enable the Department to more effectively select qualified candidates for membership on these advisory committees and fill vacant memberships in a timely manner. Advisory committees are established to obtain advice or recommendations for the Department from members of the public who have expertise in certain topics or represent various points of view on matters of policy.

As required by the Privacy Act, the Department of Commerce has simultaneously submitted a New System Report to the Congress and the Office of Management and Budget. This system of records will become effective 60 days from the date of the New Systems Report unless the Department notices to the contrary.

The proposed new system is as follows:

COMMERCE/DEPT—11

System Name:

Candidates for Membership, Members, and Former Members of Department of Commerce Advisory Committees.

System Location:

Office of the Secretary, Room 5716, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of Individuals Covered by the System:

Individuals recommended for membership on advisory committees, current members and former members of advisory committees.

Categories of records in the system:

Résumé information: name, home address, business address, educational and employment histories, awards and honors received, age, date of birth, and other biographical information; records of appointment, expiration of the appointment, and correspondence including letters of recommendation.

Authority for maintenance of the system:

5 U.S.C. 301, Pub. L. 92-463.

Routine uses of records maintained in the system including categories of users and the purposes of such uses:

See general routine uses 1, 2, 3, 5, and 9 of the Prefatory statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper hard copy, diskettes for use on word processing equipment.

Retrievability:

Data is filed by committee. An alphabetical card file index of candidates, members, and former members' names is used to retrieve data. This index is also on diskette to retrieve information on word processing equipment.

Safeguards:

Records are located in a locked office. Paper records and diskettes are in locked file cabinets. Access to data on the word processor is by password.

Retention and disposal:

Records will be maintained indefinitely.

System manager(s) and address:

Confidential Assistant, Office of the Secretary, Room 5716, U.S. Department of Commerce, Washington, D.C. 20230.

Notification Procedure:

Information may be obtained from: Director, Office of Organization and Management Systems, O/S, U.S. Department of Commerce, Washington, D.C. 20230. Requestor should provide name and address, pursuant to the Department's rules which appear in 15 CFR Part 4b.

Record access procedures:

Requests from individuals should be addressed to: the address listed in the notification section above.

Contesting records procedures:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual appear in 15 CFR Part 4b. Use the address given in the notification section above.

Record source categories:

Individual candidate or member, persons recommending candidates and those authorized by the individual to provide information.

2. Revise COMMERCE/DEPT–1, Attendance, Leave, and Payroll Records of Employees and Certain Other Persons, to include:

(a) Type of account information (checking or savings) that employees are required to supply when requesting direct deposits of pay to financial institutions. This change is to comply with a Treasury Department memorandum of July 29, 1979, concerning electronic fund transfers. The additional information is needed to assure that pay is deposited to the appropriate account.

(b) Revision is also made to the routine uses paragraph of the system to allow allotment of pay for the purposes of making alimony and child support payments. This change is required by 5 CFR 550.371.

A minor revision is also made to the reference to the Prefatory Statement of General Routine Uses; the reference to routine use concerning disclosure of medical records to an employee's physician is deleted since the files do not contain medical information. The new text is shown is solid capitals.

(a) Categories of records in the system: Name, date of birth, social security number and employee number, service computation date, grade, step, and salary, organization (code) retirement or FICA data as applicable; Federal, state and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; TYPE OF ACCOUNT; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, absence without leave, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action". The individual records listed herein are included only as pertinent or applicable to the individual employee.

(b) Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Transmittal of data to U.S. Treasury and employee-designated financial institutions to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, ALIMONY, CHILD SUPPORT, and other authorized purposes.

3. Revise the categories of records and routine use sections of the COMMERCE/DEPT–18 system, Employees Personnel Files Not Covered by Notices of Other Agencies.

In the categories of records paragraph the changes are to show Department of State and the Department of Labor as agencies which influence personnel management in the Department. The Department of State is added as a result of the Foreign Service Act of 1980 which makes the Commerce Department an agency with responsibilities for Foreign Service Personnel. The Department of Labor is added because its systems do not cover the preliminary files on work-related injuries and illness claims prepared and maintained by the Commerce Department before submission to the Department of Labor. The proposed change to the routine use paragraph provides for submission of information to the Department of State as a result of the Foreign Service Act of 1980 and Department of Commerce compliance with State Department regulations concerning Foreign Service Personnel and submission of work-related injury or illness claims to the Department of Labor. A reference to retirement records is added for the purpose of clarity.

The categories of records section would read (new text in solid capitals):

Categories of records in the system: All personnel records in the Department which are subject to the Privacy Act but are not covered in the notices of systems of records published by OTHER AGENCIES WITH INFLUENCE UPON PERSONNEL MANAGEMENT IN THE DEPARTMENT, SUCH AS THE OFFICE OF PERSONNEL MANAGEMENT, MERIT SYSTEMS PROTECTION BOARD, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, DEPARTMENT OF STATE OR DEPARTMENT OF LABOR. The records of this system may include, but are not limited to: Employee Development; Incentive Awards; Employee Relations; Grievance Records; Medical; WORK-RELATED INJURY OR ILLNESS

CLAIMS; grievance records; medical; Career Management Program; Ship Personnel; Employee Overseas Assignments; Minority Group Statistics Program; Work Performance and Appraisal Records; including supervisory records which have been disclosed; Re-Employment and Priority Placement Programs; Executive Assignments and Merit Pay Actions; Merit Assignment Programs; RETIREMENTS; Within-Grade Denials (Reconsideration File); and, Automated Employee Information System.

The routine use section would read (new text in solid capitals): Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "* * *"

c. To disclose information to officials of the Office of Personnel Management, Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission, AND THE DEPARTMENT OF STATE OR THE DEPARTMENT OF LABOR, when requested in performance of their authorized duties.

4. Revise the COMMERCE/NTIS–1 system, Individuals Interested in NTIS Publications, Shipped Order Addresses, Customer Account Records, and Subscriber Files. The proposed amendment reflects a change in the computer system used to maintain automated records in this system.

The change reflects the use of in-house computer terminals to access information existing in automated files. This information has been available previously only in computer printout reports to the staff of NTIS. Terminals enable the staff to maintain information on new orders, status of deposit accounts, and other order information on a more timely and accurate basis. The use of the terminals is restricted to employees who have need to access the information for the performance of their duties, and does not give access to information to any other agency or component of the Department. There is no change in the nature of personal data maintained in the system nor any increase in the routine uses of the records. The number of routine uses has been reduced as part of an effort to limit routine uses to those which are most relevant to the information being maintained.

The new safeguards section will read as follows (new text in solid capitals):

Safeguards: Records are located in lockable metal file cabinets or in metal tape vaults in secured rooms or premises with access limited to those whose official duties require access. THE DATA CAN ALSO BE OBTAINED AT IN-HOUSE COMPUTER TERMINALS USED BY THOSE WHOSE OFFICIAL NTIS DUTIES REQUIRE ACCESS. Also see general routine uses #4, #5, and #9 AND #13 of the Prefatory Statement.

Although this change may not technically warrant a new systems report as defined by the Office of Management and Budget Circular No. A–108, it was felt that because the change reflects an increased access to the records a report should be submitted simultaneously with the republication of Commerce Department systems of records. The revised system of records will become effective 60 days from the date of the new system report unless the Department advises to the contrary.

Minor changes are also made to the categories of individuals section to improve clarity, to the routine use section to delete inappropriate routine uses, and to the systems location and system manager's sections to reflect a reorganization.

Appendix II—Changes to Department of Commerce Systems of Records Not Requiring Public Comment.

(1) The Maritime Administration, pursuant to the Maritime Act of 1981 (Pub. L. 97–31), has been transferred to the Department of Transportation. Control of the Privacy Act records of the Maritime Administration which were referenced in the December 12, 1980 republication are no longer Department of Commerce systems of records.

(2) Changes have been made to the routine use sections of most systems of records. References to the Prefatory Statement of General Routine Uses are now made to the specific numbered paragraphs of the Prefatory Statement which relate to the types of information in the system. In no instance has the application of the General Routine Uses been expanded. The changes are made only to clarify which uses are applicable to the records in the system.

(3) Minor changes are made throughout the document to reflect changes in position titles, addresses, and to update or correct executive order and statutory authority citations.

(4) To clarify responsibility for systems management, the Office of Information Management (OIM) has been deleted as a systems location for

COMMERCE/DEPT–1, Attendance, Leave and Payroll Records of Employees and Certain Other Persons
COMMERCE/DEPT–2, Accounts Receivable
COMMERCE/DEPT–9, Travel Records (Domestic and Foreign) of Employees and Certain Other Persons
COMMERCE/DEPT–17, Records of Cash Receipts

This office is a service organization which maintains automated records. It acts on the instructions of the system manager in performing records maintenance functions. Its deletion as a systems location does not affect the ability of the public to have access to the records as OIM has not been referenced as a system manager nor as a place for the public to obtain notification information. Its location is the same as the location for manual records—the Main Commerce Building, 14th and Constitution Avenue, Washington, D.C. 20230.

(5) COMMERCE/DEPT–5 system, Freedom of Information and Privacy Act Request Records have been revised by expanding coverage to the Economic Development Administration. Request records in this Department component are now retrievable by name.

(6) The COMMERCE/DEPT–11 system, Work Schedule Study Interview Records, is deleted as all individually identifiable records have been destroyed. Raw data which does not contain any individual identifiers has been donated by the study contractor to the Henry A. Murray Research Center of Radcliffe College in Cambridge, Massachusetts. The number, COMMERCE/DEPT–11, is reassigned to a proposed new system, Candidates for Membership, Members, and Former Members of Department of Commerce Advisory Committees.

(7) COMMERCE/DEPT–13 system, Investigative and Security Records, revision has been made to the categories of individuals sections of the system to indicate that only records prior to May 9, 1980 are maintained for principal officers and some employees of organizations, firms, or institutitons which received or applied for grants, loans, or loan guarantees from the Department. Prior to that date the Office of Investigations and Security had performed name checks on these individuals. This function was transferred to the Office of the Inspector General as part of that office's responsibility under the Inspector General Act of 1978, for promoting economy and efficiency in the Department's programs and preventing and detecting fraud and abuse. The existing system COMMERCE/DEPT–12, Investigative and Inspection Records contains language which covers this category of individuals.

(8) The storage section of COMMERCE/DEPT–16 system, Property Accountability Files, has been revised to add reference to machine-readable

records which was omitted in last year's republication. The change was noticed in 44 FR 76665, and a New System Report was submitted to Congress and the Office of Management and Budget.

(9) The categories of individuals section of COMMERCE/CENSUS–3 system, Individual and Household Statistical Surveys and Special Studies Records is revised for clarification.

(10) COMMERCE/ITA–5 system, Executive Reserve Personnel Folders, is revised to show the use of word processing equipment to store and retrieve information.

(11) Revisions are made to the system, COMMERCE/ITA–6, Foreign Service Officers Evaluations, to clarify the categories of individuals, routine uses, and retention and disposal sections of this system, and to reflect increased Department responsibilities concerning Foreign Service personnel as a result of the Foreign Service Act of 1980.

(12) The storage section of the COMMERCE/NBS–4 system, Employees External Radiation Exposure Records, is revised. The Health Physics Branch of the Occupational Health and Safety Division of the National Bureau of Standards is planning to use the existing minicomputer capabilities in the Branch to maintain current records of employees who may be exposed to radiation on the job. This plan concerns only the Health Physics Branch Records. The minicomputer does not have a telecommunications capability which could increase the risk of unauthorized access. The minicomputer is not connected to terminals in other components of NBS, the Department, or other agencies. Access to the computer is by password and is restricted to the personnel of the Health Physics Branch. This change to automated storage does not meet the criteria for submission of a New Systems Report.

(13) COMMERCE/NOAA–11, NOAA Mailing Lists, has been revised by adding the National Earth Satellite Service as a systems location.

(14) COMMERCE/NOAA–12, Marine Mammals, Endangered and Threatened Species, Permits and Exemptions Applicants, has been revised to indicate that permit or exemption numbers are used to retrieve information.

(15) The storage section of COMMERCE/NTIA–1 system, Radio Spectrum Management Career Development Program, is revised to delete a reference to machine-readable magnetic discs.

(16) In the COMMERCE/NTIS–2 system, Employee Daily Time and Productivity Records, revision is made deleting routine uses. Use of the records is limited to internal financial accounting purposes.

(17) Revision is made to COMMERCE/PAT–TM–7 system, Patent Application Files to clarify the routine use section: no changes of substance are made.

(18) COMMERCE/PAT–TM–9 system, Patent Assignment Records has been revised to show patent number as an item used to retrieve a record.

Appendix III—Changes to Systems of Records Noticed in the Federal Register Since December 12, 1980 and Prior to the Date of This Notice and Federal Register Citation of Previously Issued Rules and Systems

1. March 24, 1981 Federal Register, page 18327–8 Final Notice of COMMERCE/MBDA–1 system, Descriptive Data Questionnaire.

2. The Department last published its systems notices and revisions to Appendices to its Privacy Act rules, 15 CFR Part 4b, December 12, 1980, 45 FR 82101–82149. Department of Commerce Privacy rules may be found in 15 CFR Part 4b.

Systems of Records

The identification of the unit or units within the Department to which the particular system of records pertains appears as "COMMERCE/" followed by a designating abbreviation. The abbreviations and their meanings are as follows:

CENSUS—Bureau of the Census

DEPT—Overall Department of Commerce (or at least multiple operating units presently, and a potential for more)

ITA—International Trade Administration

IATC—Interagency Auditor Training Center

MBDA—Minority Business Development Agency

NBS—National Bureau of Standards

NOAA—National Oceanic and Atmospheric Administration

NTIA—National Telecommunications and Information Administration

NTIS—National Technical Information Service

PAT-TM—Patent and Trademark Office

WBO—Interagency Task Force on Women Business Owners

Other abbreviations appearing in the notices are as follows:

ARC—The Appalachian Regional Commission

BEA—Bureau of Economic Analysis

BIE—Bureau of Industrial Economics

EDA—Economic Development Administration

Office of Federal Cochairmen—Office(s) of Federal Cochairmen of the Regional Action Planning Commissions and The Appalachian Regional Commission

RAPCS—Regional Action Planning Commissions

USTS—United States Travel Service

Prefatory Statement of General Routine Uses

The following routine uses apply to, and are incorporated by reference into, each system of records set forth below.

1. In the event that a system or records maintained by the Department to carry out its functions indicates a violation or poential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or contract, or rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Department decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal, state, local, or international agency, in response to its request, in connection with the assignment, hiring or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to

opposing counsel in the course of settlement negotiations.

5. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

6. A record in this system of records which contains medical information may be disclosed, as a routine use, to the medical advisor of any individual submitting a request for access to the record under the Act and 15 CFR Part 4b if, in the sole judgment of the Department, disclosure could have an adverse effect upon the individual, under the provision of 5 U.S.C. 552a(f)(3) and implementing regulations at 15 CFR 4b.6.

7. (Deleted; Reserved)

8. A record in this system of records may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

9. A record in this system of records may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

10. A record in this system of records may be disclosed, as a routine use, to a contractor of the Department having need for the information in the performance of the cntract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

11. (Deleted; Reserved)

12. A record in this system may be transferred, as a routine use, to the Office of Personnel Management: for personnel research purposes; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related manpower studies.

13. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e. GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

National Defense and Foreign Policy Exemption

Some systems of records under the Act which are maintained by the Department contain, from time-to-time, material subject to the specific exemption authorized by 5 U.S.C. 552a(k)(1), relating to national defense and foreign policy materials. The systems of records noticed below, and also listed in 15 CFR 4b.14(a) of the regulations published in the **Federal Register**, which are subject to this determination of specific exemption under 5 U.S.C. 552a(k)(1) are:

COMMERCE/ITA–1
COMMERCE/ITA–2
COMMERCE/NOAA–5
COMMERCE/PAT–TM–4
COMMERCE/PAT–TM–6
COMMERCE/PAT–TM–7
COMMERCE/PAT–TM–8
COMMERCE/PAT–TM–9
COMMERCE/DEPT–12
COMMERCE/DEPT–13
COMMERCE/DEPT–14

The Department hereby asserts a claim to exemption of such materials wherever they might appear in such systems of records, or any systems of records, at present or in the future. The materials would be exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The reason therefore is to protect the material required by Executive Order to be kept secret in the interest of the national defense and foreign policy.

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IATC—1 Auditor Trainee Registrants
MBDA—1 Descriptive Data Questionnaire
NBS—1 NBS Guest Workers
NBS—2 Inventors of Energy-Related Processes and Devices
NBS—3 Research Associates
NBS—4 Employees External Radiation Exposure Records
NBS—5 Nuclear Reactor Operator Licensees File
NBS—6 Participants in Experiments, Studies, and Surveys
NBS—7 NBS Emergency Locator System
NOAA—1 Applicants for the NOAA Corps

NOAA—2 Commissioned Officers Official Travel Orders Folders
NOAA—3 Commissioned Officer Official Personnel Folders
NOAA—4 Commissioned Officers Retired Payroll
NOAA—5 Fisheries Law Enforcement Case Files
NOAA—6 Fishermen's Statistical Data
NOAA—7 Guest Workers at National Geophysical and Solar-Terrestrial Data Center
NOAA—8 Individuals Engaged in Weather Modification Activities
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PAT/TM—7 Patent Application Files
PAT/TM—8 Patent Application Secrecy Order Files
PAT/TM—9 Patent Assignment Records
PAT/TM—10 Patent Deposit Accounts System
PAT/TM—11 Patent Examiner Testimony Files
PAT/TM—12 Patent Subscription Service System
PAT/TM—13 Petitioners for License to File for Foreign Patents
PAT/TM—14 Users of Public Search Room of the Patent and Trademark Office
WBO—1 Talent and Experience File of Women's Business Experts

COMMERCE/DEPT-1

SYSTEM NAME:

Attendance, Leave, and Payroll Records of Employees and Certain Other Persons—COMMERCE/DEPT-1

SYSTEM LOCATION:

a. For employees of Departmental Offices, BEA, BIE, EDA, ITA, MBDA, USTS, Offices of Federal Cochairmen, RAPCs, and ARC: Office of Financial Operations, OS, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

b. For employees of NBS, NTIS, and NTIA: National Bureau of Standards, Office of the Comptroller, (Payroll Office), Administration Building, Washington, D.C. 20234. NTIA records dating prior to March 26, 1978, relating to employees of the former Office of Telecommunications Policy, Executive Office of the President, are located at General Services Administration Region 3 Office, 7th & D Streets, N.W., Washington, D.C. 20407.

c. For employees of NOAA: National Oceanic and Atomospheric Administration, Office of Finance, Personal Service Accounting Division, 11420 Rockville Pike, Rockville, Maryland 20852.

d. For employees of PAT-TM: Office of Finance (Employee Accounts Division), U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

e. For employees of CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the following Census Regional Offices: 1365 Peachtree Street, NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 55 East Jackson Boulevard, Chicago, Illinois 60604; 1100 Commerce Street, Dallas, Texas 75242; 575 Union Boulevard (P.O. Box 25207), Denver, Colorado 80225; 231 W. Lafayette, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 11777 San Vicente Boulevard, Los Angeles, California 90049; 26 Federal Plaza, New York City, New York 10278; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Commerce Department employees and certain other persons as categorized by organizational component in a. through f. above.

CATERGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, social security number and employee number, service computation date, grade, step, and salary; organization (code), retirement or FICA data as applicable; Federal, state, and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number, type of account; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, absence without leave, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action". The individual records listed herein are included only as pertinent or applicable to the individual employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Title 31 U.S.C. 66a, 492, Title 44 U.S.C. 3101, 3309.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Transmittal of data to U.S. Treasury and employee-designated financial institutions to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, alimony, child support, and other authorized purposes.

Reporting: tax withholding to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the Social Security Administration; dues deductions to labor unions; withholdings for health and life insurance to the insurance carriers and the U.S. Office of Personnel Management; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual; wage, employment, and separation information to state unemployment compensation agencies, to the Department of Labor to determine eligibility for unemployment

compensation, and to housing authorities for low-cost housing applications; and NOAA Corps data to U.S. Office of Personnel Management for preparation of statistical materials. Also, see routine use paragraphs 1–5 and 8–13 of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Both manual and machine-readable.

RETRIEVABILITY:

By name and/or employee or social security number.

SAFEGUARDS:

Physical, technical and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

RETENTION AND DISPOSAL:

Retained on site until after GAO audit, then disposed of, or transferred either to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or general Record Schedules of GSA.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Director, Office of Financial Operations, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b: Comptroller, Office of the Comptroller, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

For records at location c.: Chief Personnel Service Accounting Division, Office of Finance, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location d.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the Director of the particular Regional Office listed above.

NOTIFICATION PROCEDURE:

For BEA records at location a., information may be obtained from: Chief, Management and Organization Branch, , BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230.

For BIE records at location a., information may be obtained from: Administrative Officer, BIE, Room 4845, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For ITA records at location a., information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

For MBDA records at location a., information may be obtained from: Privacy Officer, Office of Chief Counsel, MBDA, U.S. Department of Commerce, Washington, D.C. 20230.

For USTS records at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For NBS and NTIS records at location b., information may be obtained from: Deputy Director for Information Systems, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

For NTIA records at location b., information may be obtained from: Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504;

For records at location c., information may be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location d., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231; and

For records at location e., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, social security number, and time or organization unit of employment pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address of the desired location as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

RECORD SOURCE CATEGORIES:

Subject individuals, those authorized by the individual to furnish information, supervisors, timekeepers, official personnel records, and IRS.

COMMERCE/DEPT–2

SYSTEM NAME:

Accounts Receivable—COMMERCE/DEPT–2.

SYSTEM LOCATION:

a. For Departmental offices, BEA, BIE, ITA, USTS, MBDA, Offices of Federal Cochairmen, RAPCs, and ARC: Office of Financial Operations, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

b. For NBS and NTIA: National Bureau of Standards, Office of the Comptroller, Administration Building, Washington, D.C. 20234.

c. For NOAA: Office of Finance, National Oceanic and Atmospheric Administration, 11420 Rockville Pike, Rockville, Maryland 20852.

d. For PAT–TM: Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

e. For CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

f. For NTIS: Accounting Division, National Technical Information Service, Springfield, Virginia 22161.

g. For EDA: Accounting Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Debtors owing money to organizational components identified in a through g including employees, former employees, business firms, general public, and institutions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address; amount owed, and service, overpayment or other accounting therefor, invoice number, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701–09; 31 U.S.C. 951–953, 4 CFR Sec. 102.4, FPMR 101–7; Treasury Fiscal Requirements Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Billing debtors, reporting delinquent debts to credit bureaus, reporting to Office of Personnel Management for liquidating debts from retirement and other benefits, and routine uses 1–5 and 8–13 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Both manual and machine-readable records.

RETRIEVABILITY:

By name, and invoice number as appropriate.

SAFEGUARDS:

Physical security, handling by authorized personnel only.

RETENTION AND DISPOSAL:

Retained until payment is received and account is audited, then disposed of in accordance with Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Director, Office of Financial Operations, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Comptroller, Office of the Comptroller, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

For records at location c.: Director, Office of Finance, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location e.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location f.: Chief, Accounting Division, National Technical Information Service, Springfield, Virginia 22161.

For records at location g.: Chief, Accounting Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

For BIE records at location a., information may be obtained from: Administrative Officer, BIE, Room 4845, 14th and Constitution Avenue, N.W., Washington, D.C. 20230;

For ITA records at location a., information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For NBS records at location b., information may be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234;

For NTIA records at location b., information may be obtained from: Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504;

For records at location c., information may be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location d., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231; and

For records at location e., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location f., information may be obtained from: Associate Director for Financial and Administrative Management, National Technical Information Service, Springfield, Virginia 22161.

For records at location g., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

Requester should provide name and address, and invoice number as appropriate, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, contracting officer as appropriate, accounting records.

COMMERCE/DEPT-3

SYSTEM NAME:

Conflict of Interest Records, Appointed Officials—COMMERCE/DEPT-3.

SYSTEM LOCATION:

Office of General Counsel, Room 5870, U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, past and present, appointed by the President to Commerce Department offices and other senior level officers of the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Statements of personal and family shareholdings and other interests in business enterprises; copies of blind trust and other agreements pertaining to such interests; correspondence as to insulation of control of such interests; opinions of counsel; and confirmation materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 18 U.S.C. 208, 28 U.S.C. 533–535, 44 U.S.C. 3101, E.O. 10450, and E.O. 11222.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of Prefatory Statement, except paragraphs 6, 8, and 10.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Disposed of 2 years after separation of employee.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy General Counsel, Room 5870, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and date of appointment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

The subject individual, financial institutions involved, counsel, and those authorized by the individual to furnish information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for employment.

COMMERCE/DEPT-4

SYSTEM NAME:

Congressional Files—COMMERCE/DEPT-4.

SYSTEM LOCATION:

a. Office of the Assistant Secretary for Congressional Affairs, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

b. Office of the Director of Congressional and Public Affairs, National Telecommunications and Information Administration, 1800 G Street, NW., Washington, D.C. 20504.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information from sources such as the Congressional Quarterly, Almanac of American Politics, Congressional Directory, biographies provided by Members' Offices, extracts from the Congressional Record, and correspondence between the Members and the Department.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5, 8, 10, and 12 of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper form only.

RETRIEVABILITY:

Indexed by name of Member or State or Congressional District.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

The records are retained in accordance with the Office's Record Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Assistant Secretary for Congressional Affairs, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

For records at location b.: Director of Congressional and Public Affairs, National Telecommunications and Information Administration, U.S. Department of Commerce, 1800 G Street, NW., Washington, D.C. 20504.

NOTIFICATION PROCEDURE:

For records at location a.: Information may be obtained from: Departmental Office of Organization and Management Systems, OS, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

For records at location b.: Information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, 1800 G Street, NW., Washington, D.C. 20504. Requester should provide name of Member pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Published Congressional reference materials and the Member, himself or herself.

COMMERCE/DEPT-5.

SYSTEM NAME:

Freedom of Information and Privacy Request Records—COMMERCE/DEPT-5.

SYSTEM LOCATION:

a. For FOIA request records of CENSUS: Planning and Security Office, Bureau of the Census, Federal Building 3, Suitland, Md. 20233.

b. For FOIA and PA request records of ITA: Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230.

c. For FOIA and PA requests for EDA Office of Public Affairs, U.S. Department of Commerce, Washington, D.C. 20230.

For FOIA request records of NOAA: Freedom of Information Request Control Desk, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Md. 20852.

e. For FOIA request records of NTIA: Freedom of Information Request Control Desk, National Telecommunications and Information Administration, 1800 G Street, N.W., Washington, D.C. 20504.

f. For PA request records of the Office of the Secretary: Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested records under the Freedom of Information and/or Privacy Acts contained in files maintained by the organizational units shown in the System Location paragraph above.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming requests; correspondence developed during processing of requests; initial and final determination letters;

records summarizing pertinent facts about requests and action taken; copy or description of records released; description of records denied (copies of records denied are not kept with these files).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 5 U.S.C. 552, 5 U.S.C. 552a and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Department management and legal personnel to assure that each request receives an appropriate reply and to compile data for the required annual reports on activities under the Acts. General routine uses of the 1–5, 9, 12, and 13 of the Prefatory Statement also apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

At all locations: Paper records in file folders or loose-leaf binders.

RETRIEVABILITY:

At location b.: By control number assigned to each request based on date of receipt.

At all other locations: Alphabetically by name of requester.

SAFEGUARDS:

At all locations: Privacy Act request records are stored in file cabinets in secured premises with access limited to those whose official duties require access. Freedom of Information request records are generally available to the public.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the appropriate records disposition authorization approved by the Archivist of the United States.

SYSTEM MANGER(S) AND ADDRESS:

For records at location a.: Associate Director for Administration, Bureau of the Census.

For records at location b.: Privacy Act Officer, ITA.

For records at location c.: Director, Office of Public Affairs, EDA.

For records at location d.: Assistant administrator for Management and Budget, NOAA.

For records at location e.: Director, Office of Administration, NTIA.

For records at location f.: Director, Office of Organization and Management Systems, U.S. Department of Commerce.

For each system manager, use the same address as shown for that unit in the System Location section above.

NOTIFICATION PROCEDURE:

For records at locations a., b., c., d., and f.: Same individual and address for each as shown in System Manager section above.

For records at location e.: Privacy Officer, NTIA, same address as shown in System Manager section above.

Requestor should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

The individual making the request, and records derived from the processing of Freedom of Information and Privacy Act requests.

COMMERCE/DEPT–6.

SYSTEM NAME:

Visitor Logs and Permits for Facilities Under Department Control—COMMERCE/DEPT–6.

SYSTEM LOCATION:

National Bureau of Standards: Security Office, Administration Building, Washington, D.C. 20234; and Physical Security Office, Radio Building, NBS, Boulder, Colorado 80302.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Non-Federal visitors, Federal personnel entering facilities after duty hours, and employees seeking parking and firearm permits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, place of birth, citizenship, physical characteristics, type and number of firearms and amount of ammunition, purpose of visit, affiliation, time in and time out, license numbers, and records of violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5 and 8–13 of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

RETRIEVABILITY:

Filed alphabetically by name, or date and time.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained on site for five years, then disposed of in accordance with unit's Record Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, National Bureau of Standards, Washington, D.C. 20234.

NOTIFICATION PROCEDURE:

Information may be obtained from Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

Requesters should provide name and address, date of visit or type of permit, as appropriate, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, and employers.

COMMERCE/DEPT–7

SYSTEM NAME:

Employee Accident Reports—COMMERCE/DEPT–7.

SYSTEM LOCATION:

a. For employees of Departmental Offices, BEA, BIE, and USTS: Office of Administrative Services, U.S. Department of Commerce, Washington, D.C. 20230.

b. For employees of ITA: Office of Administrative Support, International Trade Administration, Washington, D.C. 20230.

c. For employees of EDA: Office Service Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

d. For employees of MBDA: Office of Planning, Budget and Evaluation, Minority Business Development Agency, Washington, D.C. 20230.

e. For employees of NBS: Occupational Health and Safety Division, Supply and Plant Building, NBS, Washington, D.C. 20234.

f. For employees of NOAA: Office of Administrative Operations, National Oceanic and Atomospheric Administration, 6010 Executive Blvd., Rockville, Md. 20852.

g. For employees of NTIS: Facilities Management Division, National Technical Information Service, Springfield, Va. 22161.

h. For employees of PAT–TM: Office of General Services, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

i. For employees of CENSUS: Administrative Service Division, Bureau of the Census, Building 4, Washington, D.C. 20233.

j. For employees of NTIA: Office of Administration, National Telecommunications and Information Administration, 1800 G Street, NW., Washington, D.C. 20504.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department employees as categorized by organization component in a through j above, who have sustained occupational injury/illness or who have been involved in a motor vehicle accident while on official Government business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; home telephone number; date and place of birth; sex; social security number; occupation; grade; location and description of accident or injury; driving permit or license data; physical condition at time of incident; insurance information; vehicle ownership and licensing data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 651–78, 28 U.S.C. 2671–2680, Executive Order 12196.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of Prefatory Statement. Also, accident reports involving Government vehicles are disclosed to the General Services Administration, the custodian of Government vehicles; accident information may also be disclosed to insurance carriers during resolution of claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Disposed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a: Coordinator for Occupational Safety and Health and Motor Management, Departmental Office of Administrative Services, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Director, Office of Administrative Support, International Trade Administration, Washington, D.C. 20230.

For records at location c.: Chief, Office Service Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

d. For records at location: Assistant Director, Office of Planning, Budget, and Evaluation, Minority Business Development Agency, Washington, D.C. 20230.

e. For records at location: Safety and Health Manager, Supply and Plant Building, NBS, Washington, D.C. 20234.

f. For records at location: Safety Engineer, Office of Administrative Operations, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

g. For records at location: Chief, Facilities Management Division, National Technical Information Service, Springfield, Va. 22161.

h. For records at location: Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

i. For records at location: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

j. For records at location: Safety Officer, Office of Administration, National Telecommunications and Information Administration, 1800 G Street, NW., U.S. Department of Commerce, Washington, D.C. 20504.

NOTIFICATION PROCEDURE:

For Departmental office records at location a., information may be obtained from: Director, Office of Organization and Management Systems, OS, U.S. Department of Commerce, Washington D.C. 20230;

For BEA records at location a., information may be obtained from: Chief, Management and Organization Branch of Administration, BEA, Tower Building, 1401 K Street, NW., Washington D.C. 20230;

For BIE records at location a., information may be obtained from: Administrative Officer, BIE Room 4845, 14th & Constitution Avenue, NW., Washington D.C. 20230;

For USTS records at location a., information may be obtain from: Director, Office of Administration, United States Travel Service, Washington D.C. 20230.

For records at location b., information may be obtain from: Privacy Act Officer, Office of Management and Systems, International Trade Administration, Room 3102, U.S. Department of Commerce, Washington D.C. 20230;

For records at location c., information may be obtain from: Director, Office of Public Affairs, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington D.C. 20230.

For records at location d., information may be obtain from: Privacy Officer, Office of Chief Counsel, Minority Business Development Agency, Washington D.C. 20230;

For records at location e., information may be obtain from: Deputy Director of Administration Room A1105, Administration Building, National Bureau of Standards, Washington D.C. 20234;

For records at location f., information may be obtain from: Assistant Administrator for Management and Budget, National Oceanic and Atomspheric Administration, Rockville, Md. 20852;

For records at location g., information may be obtain from: Associate Director for Financial and Administrative Management, National Technical Information Service, Springfield, VA 22161;

For records at location h., information may be obtain from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington D.C. 20231;

For records at location i., information may be obtain from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington D.C. 20233;

For records at location j., information may be obtain from: Privacy Officer, National Telecommunications and Information Administration, 1800 G Street, NW., U.S. Department of Commerce, Washington D.C. 20504.

Requester should provide name and approximate date of accident pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address of the desired location as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information; others involved in accident; witnesses; employee's supervisor; and, the safety officer.

COMMERCE/DEPT-8.

SYSTEM NAME:

Employee Applications for Motor Vehicle Operator's Card—COMMERCE/DEPT-8.

SYSTEM LOCATION:

a. For employees of Departmental offices, BEA, BIE, MBDA, NTIA, offices of Federal Cochairmen, and USTS: Office of Administrative Services, U.S. Department of Commerce, Washington, D.C. 20230

b. For employees of ITA: Office of Administrative Support, International Trade Administration, Washington, D.C. 20230.

c. For employees of EDA: Office Service Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

d. For employees of NBS and NTIS: Occupational Health and Safety Division, Supply and Plant Building, Washington, D.C. 20234; and Staff Services Office, Radio Building, NBS, Boulder, Colorado 80302.

e. For employees of NOAA: Office of Administrative Operations, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

f. For employees of PAT-TM: Office of General Services, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

g. For employees of CENSUS: Administrative Service Division, Bureau of the Census, Federal Building 4, Washington, D.C. 20233; and the following Census Regional Offices: 1365 Peachtree Street, NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 55 East Jackson Boulevard, Chicago, Illinois 60604; 1100 Commerce Street, Dallas, Texas 75242; 575 Union Boulevard (P.O. Box 25207), Denver, Colorado 80225; 231 W. Lafayette, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 11777 San Vicente Boulevard, Los Angeles, California 90049; 26 Federal Plaza, New York City, New York 10278, 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department employees as categorized by organizational components in a through g above, who are seeking or holding a Federal vehicle operator permit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; position title; date and place of birth; physical characteristics; social security number, summary of driving record, including all arrests, traffic citations and accidents for the past five years; hearing and visual acuity examination report; road test results; and medical history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 471; E.O. 9397.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1-6 and 9-13 in the Prefatory Statement. Also, information is transmitted to the Department of Transportation with request for suitability check.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Disposed of when re-issued at the end of three years or upon employee's termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Coordinator for Occupational Safety and Health and Motor Management, Departmental Office of Administrative Services, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Director, Office of Administrative Support, International Trade Administration, Washington, D.C. 20230.

For records at location c.: Chief, Office Service Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For records at location d.: Safety and Health Manager, Supply and Plant Building, National Bureau of Standards, Washington, D.C. 20234; and Safety Engineer, Radio Building, NBS, Boulder, Colorado 80302.

For records at location e.: Motor Fleet Manager, Office of Administrative Operations, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

For records at location f.: Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location g.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

NOTIFICATION PROCEDURE:

For BEA records at location a., information may be obtained from: Chief, Management and Organization Branch BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230;

For BIE records at location a., information may be obtained from: Administrative Officer, BIE, Room 4845, 14th & Constitution Avenue, N.W., Washington, D.C. 20230;

For MBDA records at location a., information may be obtained from: Privacy Officer, Office of Chief Counsel MBDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NTIA records at location a., information may be obtained from:

Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504;

For USTS records at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Privacy Act Officer, Office of Management and Systems, International Trade Administration, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location c., information may be obtained from: Director, Office of Public Affairs, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For records at location d., information may be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

For records at location e., information may be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

For records at location f., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location g., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, organizational unit, and approximate date of employment pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address of the desired location as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, motor vehicle departments in individual's state, and National Driver Register of the Department of Transportation.

COMMERCE/DEPT-9

SYSTEM NAME:

Travel Records (Domestic and Foreign) of Employees and Certain Other Persons—COMMERCE/DEPT-9.

SYSTEM LOCATION:

a. For employees of Departmental Offices, BEA, BIE, ITA, MBDA, USTS, Offices of Federal Cochairmen, and RAPCs; members of DOC Advisory Committees; employees and certain other persons associated with ARC; and private citizens invited to visit the Department:

Office of Financial Operations, OS, Main Commerce Building, Washington, D.C. 20230.

b. For employees of NBS and NTIA: Office of the Comptroller, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

c. For employees of NOAA: Chief, Travel and Transportation Management Branch, Property and Logistics Support Division, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852 and the following Field Finance Offices: Research Building 3, 3100 Marine Street, Boulder, Colo. 80302; Room 1760, 601 E. 12th Street, Kansas City, Mo. 64106; 75 Virginia Beach Drive, Building 2, Miami, Fla. 33149; and, North Bethesda Office Center, 11420 Rockville Pike, Rockville, Maryland 20852.

d. For employees of PAT-TM: Office of General Services, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

e. For employees of CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and the following Regional Offices for intermittent CENSUS employees: 1365 Peachtree Street, N.E., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 55 East Jackson Boulevard, Chicago, Illinois 60604; 1100 Commerce Street, Dallas, Texas 75242; 575 Union Boulevard (P.O. Box 25207), Denver, Colorado 80225; 231 W. Lafayette, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 11777 San Vicente Boulevard, Los Angeles, California 90049; 26 Federal Plaza, New York City, New York 10278; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

f. For employees of EDA: Accounting Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, Advisory Committee Members, State Representatives of ARC, and official guests of the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, social security number; destination, itinerary, mode and purpose of travel; dates; expenses including amounts advanced (if any), amounts claimed, and amounts reimbursed; travel orders, travel vouchers, receipts, and passport record card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; and Federal Claim Collection Act of 1966.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Transmittal to U.S. Treasury for payment, to State Department for passports, and see paragraphs 1–5 and 9–13 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine-readable.

RETRIEVABILITY:

Filed by name, social security number, or travel order number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained according to GSA Federal Travel Regulations, and then disposed of according to unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a., Director, Office of Financial Operations, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b. Comptroller, Office of the Comptroller, National

Bureau of Standards, Administration Building, Washington, D.C. 20234.

For records at location c. Chief, Travel and Transportation Division, Office of Administrative Operations, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852 and the Chief of the particular Field Finance Office listed above.

For records at location d. Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e. Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and the Director of the particular Regional Office listed above.

For records at location f. Chief, Accounting Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

For BEA records at location a., information may be obtained from: Chief, Management and Organization Branch, BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230;

For BIE records at location a., information may be obtained from: Administrative Officer, BIE, Room 4845, 14th & Constitution Avenue, N.W., Washington, D.C. 20230;

For ITA records at location a., information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230;

For MBDA records at location a., information may be obtained from: Privacy Officer, Office of Chief Counsel, MBDA, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For NBS records at location b. information can be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

For NTIA records at location b. information may be obtained from: Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504.

For records at location c. information can be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location d. information can be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C.20231.

For records at location e. information can be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location f. information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Requester should provide name, travel order number, if known, and date of travel, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, supervisors, and finance (or accounting) office standard references.

COMMERCE/DEPT-10

SYSTEM NAME:

Executive Correspondence Files—COMMERCE/DEPT-10.

SYSTEM LOCATION:

a. For Office of the Secretary correspondence: Executive Secretariat and Office of Information Management (Computer Services Division); U.S. Department of Commerce; 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

b. For EDA correspondence: Executive Secretariat, EDA, Room 7227, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

c. For MBDA correspondence: MBDA Secretariat., Room 5083, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

d. For NOAA correspondence: Executive Secretariat, Office of the Administrator, NOAA, Room 5807, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. Records on magnetic tape are also temporarily located at the contractor's installation: Dialcom Inc., 1104 Spring Street, Silver Spring, Md. 20910.

e. For PAT-TM correspondence: Office of the Commissioner of Patents and Trademarks, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who correspond with the Secretary of Commerce, Deputy Secretary, or Assistant Secretary for Congressional Affairs, and individuals whose correspondence has been referred by the White House, other Executive agencies or Members of Congress to the Secretary or Deputy Secretary for response. (b) Individuals who correspond with top level officials in EDA, MBDA, NOAA, and PAT-TM. In these categories the individuals include only those who express views or seek information or assistance. Freedom of Information Act or Privacy Act requests are not indexed in this system (See Freedom of Information and Privacy Request Records—COMMERCE/DEPT-5).

CATEGORIES OF RECORDS IN THE SYSTEM:

The system may include the name and address or correspondent, summary of subject matter, original correspondence, official response, referral letters, memoranda or notes concerning the subject of the correspondence, or copies of any enclosures. The records in the system are arranged numerically by control number assigned to each item of correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by personnel in the Office of the Secretary, Executive Secretarit, and administrative offices of each operating unit of the Department to assure that each request receives an appropriate and timely reply and to prepare statistical reports for management on correspondence volume or topics of public interest.

Information from or copies of the records may be provided to the original addressee of the original correspondence. General routine uses of the Prefatory Statement also apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper form and on diskettes and magnetic tape.

RETRIEVABILITY:

By control number, by correspondent's name, by subject, by addressee, by category of writer (e.g., Member of Congress, White House staff, Cabinet member, mayor, citizen) by category of correspondence, by Executive Secretariat analysts' identification code, by type of priority for response time, by date, or possibly by city and state of correspondent's address.

SAFEGUARDS:

Paper records and magnetic tape are stored in file cabinets on secured premises with access limited to personnel whose official duties require access.

RETENTION AND DISPOSAL:

Records are disposed in accord with the appropriate records disposition schedule approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Director, Executive Secretariat, Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Executive Secretariat, EDA, Room 7227, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For records at location c.: Chief, MBDA Secretariat, Room 5083, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For records at location d.: Director, Executive Secretariat, Office of Administrator, National Oceanic and Atmospheric Administration, Washington, D.C. 20230.

For records at location e.: Commissioner of Patents and Trademarks, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

NOTIFICATION PROCEDURE:

For records at location a., information may be obtained from Director, Office of Organization and Managment Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location c., information may be obtained from Privacy Officer, Office of Chief Counsel, MBDA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location d., information may be obtained from the Assistant Administrator for Management and Budget, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location e., information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. All requests for information should provide the correspondent's name as included in original correspondence, or provide any items listed under the retrievability section above pursuant to the inquiry provisions of the Department's rules that appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Request for access and disclosures should be addressed to the same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and for appealing initial determination by the individual concerned appear in 15 CFR Part 4b. Requests for correction should be addressed to manager as shown above.

RECORD SOURCE CATEGORIES:

The correspondent, referral source, Department employees involved in processing the correspondence, and other individuals, as required to prepare an appropriate response.

COMMERCE/DEPT-11

SYSTEM NAME:

Candidates for Membership, Members, and Former Members of Department of Commerce Advisory Committees.

SYSTEM LOCATION:

Office of the Secretary, Room 5716, U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals recommended for membership on advisory committees, current members and former members of advisory committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resume information: name, home address, business address, educational and employment histories, awards and honors received, age, date of birth, and other biographical information; records of appointment, expiration of the appointment, and correspondence including letters of recommendation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, P.L. 92-463.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine uses 1, 2, 3, 5, and 9 of the Prefatory statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper hard copy, diskettes for use on word processing equipment.

RETRIEVABILITY:

Data is filed by committee. An alphabetical card file index of candidates, members, and former members' names is used to retrieve data. This index is also on diskette to retrieve information on word processing equipment.

SAFEGUARDS:

Records are located in a locked office. Paper records and diskettes are in locked file cabinets. Access to data on the word processor is by password.

RETENTION AND DISPOSAL:

Records will be maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Confidential Assistant, Office of the Secretary, Room 5716, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Office of Organization and Management Systems, O/S, U.S. Department of Commerce, Washington, D.C. 20230. Requestor should provide name and address, pursuant to the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: the address listed in the notification section above.

CONTESTING RECORDS PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual appear in 15 CFR Part 4b. Use the address given in the notification section above.

RECORD SOURCE CATEGORIES:

Individual candidate or member, persons recommending candidates and those authorized by the individual to provide information.

COMMERCE/DEPT-12.

SYSTEM NAME:

Investigative and Inspection Records—COMMERCE/DEPT-12.

SYSTEM LOCATION:

Office of Inspector General, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Current and former employees of the Department of Commerce and such other persons whose association with the Department relates to the alleged violations of the Department's rules of conduct, the Civil Service merit system, or any other criminal or civil misconduct, which affects the integrity or facilities of the Department of Commerce. The names of individuals and the files in their names may be: 1) received by referral; or 2) initiated at the discretion of the Inspector General in the conduct of assigned duties.

b. Individuals who are: witnesses; complainants; confidential or non-confidential informants; suspects; defendants; parties who have been identified by the Office of the Inspector General or by other agencies, constituent units of the Department of Commerce and members of the general public in connection with the authorized functions of the Inspector General.

c. Current and former Commerce officials who are the subject of investigations initiated and conducted by the Office of the Inspector General.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters, memoranda, and other documents citing complaints of alleged criminal or administrative misconduct. Investigative files which includes: reports of investigations to resolve allegations of misconduct or violations of law with related exhibits, statements, affidavits or records obtained during investigations; prior criminal or non-criminal records of individuals as they relate to the investigations; reports of actions taken by management personnel regarding misconduct; and reports from or to other law enforcement bodies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978 (Public Law 95-462); Executive Orders 12065 and 10450; 44 U.S.C. 3101; 28 U.S.C. 535; 18 U.S.C. including Sections 201, 203, 205, 207, 208, 209, 210, 211, 219, 285, 287, 508, 595, 600, 602, 603, 604, 607, 608, 641, 643, 653, 654, 798, 1001, 1719, 1905, 1913, 1917, 1918, 2071, 2073; 5 U.S.C. including Sections 301, 2302, 7311, 7324, 7352; 15 U.S.C. 1512; 31 U.S.C. 638(a)(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine use for law enforcement purposes will include disclosure to the appropriate agency, whether Federal, State, local, foreign, or international, charged with the responsibility for investigating or prosecuting a violation of any law, rule, regulation or order or of enforcing or implementing any law, rule, regulation or order. Routine use for law enforcement purposes will also include disclosure to individuals or to agencies, whether Federal, State, local, foreign or international, when necessary to further the ends of an investigations. See routine use paragraphs 1–5 and 8–13 in Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; and automated storage media.

RETRIEVABILITY:

Indices are alphabetical, cross referenced to file number.

SAFEGUARDS:

Locked cabinets in secured rooms or in guarded building, and used only by authorized screened personnel.

RETENTION AND DISPOSAL:

When cases are closed records are disposed of in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations, Office of the Inspector General, 1325 G Street, N.W., Room 1060, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Inspector General for Investigations, Office of the Inspector General, 1325 G Street, N.W., Room 1060, Washington, D.C. 20230. Requester should provide name and association with the Department, if any, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals: Office of Personnel Management, FBI and other Federal, state, local, foreign and international agencies; individuals and organizations that have pertinent knowledge about the subject; and those authorized by the individual to furnish information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under 5 U.S.C. 552a(j)(2), the head of any agency may exempt any system of records within the agency from certain provisions of the Privacy Act of 1974, if the agency or component that maintains the system performs as its principal function any activities pertaining to the enforcement of criminal laws. The Inspector General Act of 1978, Public Law 95-462, mandates the Inspector General to recommend policies for, and to conduct, supervise and coordinate activities in the Department and between the Department and other Federal, State and local governmental agencies with respect to all matters relating to the prevention and detection of fraud in programs and operations administered or financed by the Department, and to the identification and prosecution of participants in such fraud. Under the Act, whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law the Inspector General must report the matter expeditiously to the Attorney General. In addition to these principal functions pertaining to the enforcement of criminal laws, the Inspector General may receive and investigate complaints on information from various sources concerning the possible existence of activities constituting violations of law, rules or regulations, or mismanagement, gross waste of funds, abuses of authority or substantial and specific danger to the public health and safety.

The provisions of the Privacy Act of 1974 from which exemptions are claimed under 5 U.S.C. 552a(j)(2) are as follows:

5 U.S.C. 552a(c)(3) and (4)
5 U.S.C. 552a(d)
5 U.S.C. 552a(e)(1)(2) and (3)
5 U.S.C. 552a(e)(4)(G), (H), and (I)
5 U.S.C. 552a(e)(5) and (8)
5 U.S.C. 552a(f)
5 U.S.C. 552a(g)

To the extent that the exemption under 5 U.S.C. 552a(j)(2) is held to be invalid, then the exemptions under 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5) are

claimed for all material which meets the criteria of these three subsections.

Provisions of the Privacy Act of 1974 from which exemptions are claimed under 5 U.S.C. 552a(k)(1), (k)(2) and (k)(5) are as follows:

5 U.S.C. 552a(c)(3)
5 U.S.C. 552a(d)
5 U.S.C. 552a(e)(1)
5 U.S.C. 552a(e)(4)(G), (H), and (I)
5 U.S.C. 552a(f)

Reasons for exemptions: In general, the exemption of this information and material is necessary in order to accomplish the law enforcement function of the Office of Inspector General, to prevent disclosure of classified information as required by Executive Order 12065, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. Detailed reasons follow:

Reasons for exemptions under 5 U.S.C. 552a(j)(2) and (k)(2):

1) 5 U.S.C. 552a(c)(3) requires that upon request, an agency must give an individual named in a record an accounting which reflects the disclosure of the record to other persons or agencies. This accounting must state the date, nature and purpose of each disclosure of the record and the name and address of the recipient. The application of this provision would alert subjects of an investigation to the existence of the investigation and that such persons are subjects of that investigation. Since release of such information to subjects of an investigation would provide the subjects with significant information concerning the nature of the investigation, it could result in the alerting or destruction of documentary evidence, improper influencing of witnesses, and other activities that could impede or compromise the investigation.

2) 5 U.S.C. 552a(c)(4), (d), (e)(4)(G) and (H), (f) and (g) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; the agency procedures relating to access to records and the contest of information contained in such records; and the civil remedies available to the individual in the event of adverse determinations by an agency concerning access to or amendment of information contained in record systems. This system is exempt from the foregoing provisions for the following reasons: To notify an individual at the individual's request of the existence of records in an investigative file pertaining to such individual or to grant access to an investigative file could interfere with investigative and enforcement proceedings, deprive co-defendants of a right to a fair trial or other impartial adjudication, constitute an unwarranted invasion of personal privacy of others, disclose the identity of confidential sources and reveal confidential information supplied by these sources and disclose investigative techniques and procedures.

3) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could disclose investigative techniques and procedures and cause sources to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality. This would compromise the ability to conduct investigations, and to identify, detect, and apprehend violators.

4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. An exemption from the foregoing is needed:

a. Because it is not possible to detect relevance or necessity of specific information in the early stages of a criminal or other investigation.

b. Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established.

c. In any investigation the Inspector General may obtain information concerning the violations of laws other than those within the scope of his jurisdiction. In the interest of effective law enforcement, the Inspector General should retain this information as it may aid in establishing patterns of criminal activity, and provide leads for those law enforcement agencies charged with enforcing other segments of criminal or civil law.

d. In interviewing persons, or obtaining other forms of evidence during an investigation, information may be supplied to the investigator which relate to matters incidental to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

5) 5 U.S.C. 552(e)(2) requires an agency to collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privilege under Federal programs. The application of the provision would impair investigations of illegal acts, violations of the rules of conduct, merit system and any other misconduct for the following reasons:

a. In certain instances the subject of an investigation cannot be required to supply information to investigators. In those instances, information relating to a subject's illegal acts, violations of rules of conduct, or any other misconduct, etc., must be obtained form other sources.

b. Most information collected about an individual under investigation is obtained from third parties such as witnesses and informers. It is not feasible to rely upon the subject of the investigation as a source for information regarding his activities.

c. The subject of an investigation will be alerted to the existence of an investigation if any attempt is made to obtain information from subject. This could afford the individual the opportunity to conceal any criminal activities to avoid apprehension.

d. In any investigation it is necessary to obtain evidence from a variety of sources other than the subject of the investigation in order to verify the evidence necessary for successful litigation.

6) 5 U.S.C. 552a(e)(3) requires that an agency must inform the subject of an investigation who is asked to supply information of:

a. the authority under which the information is sought and whether disclosure of the information is mandatory or voluntary,

b. the purposes for which the information is intended to be used,

c. the routine uses which may be made of the information, and

d. the effects on the subject, if any, of not providing the requested information. The reasons for exempting this system of records from the foregoing provision are as follows:

(i) The disclosure to the subject of the investigation as stated in (b) above would provide the subject with substantial information relating to the nature of the investigation and could impede or compromise the investigation.

(ii) If the subject were informed of the information required by this provision, it could seriously interfere with

undercover activities requiring disclosure of undercover agents' identity and impairing their safety, as well as impairing the successful conclusion of the investigation.

(iii) Individuals may be contacted during preliminary information-gathering in investigations before any individual is identified as the subject of an investigation. Informing the individual of the matters required by this provision would hinder or adversely affect any present or subsequent investigations.

7) 5 U.S.C. 552a(e)(5) requires that records be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making any determination about an individual. Since the law defines "maintain" to include the collection of information complying with this provision would prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment of its collection. In gathering information during the course of an investigation it is not possible to determine this prior to collection of the information. Facts are first gathered and then placed into a logical order which objectively proves or disproves criminal behavior on the part of the suspect. Material which may seem unrelated, irrelevant, incomplete, untimely, etc., may take on added meaning as an investigation progresses. The restrictions in this provision could interfere with the preparation of a complete investigative report.

8) 5 U.S.C. 552a(e)(8) requires an agency to make reasonable efforts to serve notice on an individual when any record of such individual is made available to any person under compulsory legal process when such process becomes a matter of public record. The notice requirement of this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation.

Reasons for exemptions under 5 U.S.C. 522a(k)(1):

1) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request. These accountings must state the date, nature and purpose of each disclosure of the record and the name and address of the recipient. The application of this provision would alert subjects of an investigation to the existence of the investigation and that such persons are subjects of that investigation, information which if known might cause damage to national security.

2) 5 U.S.C. 552a(d), (e)(4) (G) and (H), and (f) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; and the agency procedures relating to access to records and the contest of information contained in such records. This system is exempt from the foregoing provisions for the following reasons: To notify an individual at the individual's request of the existence of records in an investigative file pertaining to such individual or to grant access to an investigative file could interfere with investigations undertaken in connection with national security; or could disclose the identity of sources kept secret to protect national security or reveal confidential information supplied by these sources.

3) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could disclose the identity of sources kept secret to protect national security.

4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. An exemption from the foregoing is needed: a. Because it is not possible to detect relevance or necessity of specific information in the early stages of an investigation involving national security matters.

b. Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established.

c. In any investigation the Inspector General may obtain information concerning the violators of laws other than those within the scope of his jurisdiction. In the interests of effective law enforcement, the Inspector General should retain this information as it may aid in establishing patterns of criminal activity, and provide leads for those law enforcement agencies charged with enforcing other segments of criminal or civil law.

d. In interviewing persons, or obtaining other forms of evidence during an investigation, information may be supplied to the investigator which relate to matters incidental to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

Reasons for exemptions under 5 U.S.C. 552a(k)(5):

1) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request. These accountings must state the date, nature and purpose of each disclosure of the record and the name and address of the recipient. The application of this provision would alert subjects of an investigation to the existence of the investigation and that such persons are subjects of that investigation. Since release of such information to subjects of an investigation would provide the subjects with significant information concerning the nature of the investigation, it could result in the altering or destruction of documentary evidence, improper influencing of witnesses, and other activities that could impede or compromise the investigation.

2) 5 U.S.C. 552a(d), (e)(4) (G) and (H), and (f) relate to an individual's right to be notified of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; and the agency procedures relating to access to records and the contest of information contained in such records. This sytem is exempt from the foregoing provisions for the following reasons: To notify an individual at the individual's request of the existence of records in an investigative file pertaining to such individual or to grant access to an investigative file could interfer with investigative and enforcement proceedings; co-defendants of a right to a fair trial; constitute an unwarranted invasion of personal privacy of others; disclose the identity of confidential sources and reveal confidential information supplied by these sources; and disclose investigative techniques and procedures.

3) 5 U.S.C. 552a(e)(4)(I) requires the publication of the categories of sources of records in each system of records. The application of this provision could disclose investigative techniques and procedures and cause sources to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality. This would compromise the ability to conduct investigations, and to make fair and objective decisions on questions of suitability for Federal employment and related issues.

4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual

that is relevant and necessary to accomplish a purpose of the agency required by statute or Executive Order. An exemption from the foregoing is needed:

a. Because it is not possible to detect relevance or necessity of specific information in the early stages of an investigation.

b. Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may ultimately be determined to be unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established.

c. In any investigation the Inspector General may obtain information concerning the violations of laws other than those within the scope of his jurisdiction. In the interest of effective law enforcement, the Inspector General should retain this information as it may aid in establishing patterns of criminal activity, and provide leads for those law enforcement agencies charged with enforcing other segments of criminal or civil law.

d. In interviewing persons, or obtaining other forms of evidence during an investigation, information may be supplied to the investigator which relate to matters incidental to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

COMMERCE/DEPT-13

SYSTEM NAME:

Investigative and Security Records—COMMERCE/DEPT-13.

SYSTEM LOCATION:

Departmental Office of Investigations and Security, OS, Main Commerce Bldg., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Nominees, members, and former members of public advisory committees, trade missions, and export councils; employees, former employees, and prospective employees; research associates; and guest workers. Employees of contractors used, or which may be used, by the Department on national security classified projects. Principal officers of some contractors used, or which may be used by the Department. Principal officers and some employees of organizations, firms, or institutions which were recipients or beneficiaries, or prospective recipients or beneficiaries, of grants, loans, or loan guarantee programs of the Department prior to May 9, 1980.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; date and place of birth; Social Security Number; citizenship; physical characteristics; employment and military service history; credit references and credit records; education; medical history; arrest records; Federal employee relatives; dates and purpose of visits to foreign countries; passport numbers; names of spouses, relatives, references, and personal associates; activities; and security, and suitability materials. This system does not include records of EEO investigations. Such records are covered in a government-wide system noticed by the then Office of Personnel Management and now the responsibility of the Equal Employment Opportunity Commission. For assistance contact the Privacy Officer for the Office of the Secretary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 10450, 11478, 12065, 5 U.S.C. 301 and 7531–332; 15 U.S.C. 1501 et. seq.; 28 U.S.C. 533–535; 44 U.S.C. 3101; and Equal Employment Act of 1972.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information concerning nominees, members and former members of public advisory committees may be disclosed: (a) to OMB in connection with its committee management responsibilities; (b) to other Federal agencies which have joint responsibility for advisory committees or which receive or utilize advice of the committees; and (c) to a Federal, state or local agency, private organization or individual as necessary to obtain information in connection with a decision concerning appointment or reappointment of an individual to committee membership.

Information concerning (1) nominees, members, and former members of trade missions and export councils; (2) current employees, former employees, and prospective employees; (3) research associates; (4) guest workers; (5) employees of contractors used, or which may be used, by the Department on national security classified projects; (6) principal officers of some contractors used, or which may be used, by the Department; and (7) principal officers and some employees of organizations, firms or institutions which are recipients or beneficiaries or prospective recipients or beneficiaries of grants, loans, guarantee or other assistance programs of the Department;—may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. See routine use paragraphs in Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Locked cabinets in secure rooms in guarded buildings, and used only by authorized screened personnel.

RETENTION AND DISPOSAL:

When cases are closed, records are disposed of in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Investigations and Security, OS, Main Commerce Building, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and association with the Department, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals; OPM, FBI and other Federal, state, and local agencies; individuals and organizations that have pertinent knowledge about the subject; and, those authorized by the individual to furnish information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), all information and material

in the record which meets the criteria of these subsections are exempted from the notice, access, and contest requirements under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent disclosure of classified information as required by Executive Order 12065, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/DEPT-14

SYSTEM NAME:

Litigation, Claims, and Administrative Proceeding Records—COMMERCE/DEPT-14.

SYSTEM LOCATION:

a. For matters involving CENSUS: Office of the Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233. Some records may be duplicated in the offices of Census Bureau division chiefs. A complete address list of division chiefs is available upon request from the individual designated in the Notification section below.

b. For matters involving ITA tort and personal property claims: Office of Administrative Support, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

c. For matters involving EDA: Office of Chief Counsel, EDA, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

d. For matters involving NBS other than personal property loss claims and violations of traffic and grounds regulation: National Bureau of Standards, Office, of the Legal Adviser, Administration Building, Washington, D.C. 20234. For matters involving personal property loss claims, Office Management Division, National Bureau of Standards Supply and Plant Building, Washington, D.C. 20234. For matters involving violations of traffic and grounds regulations at Gaithersburg, Maryland, Security Office, Administration Building, Washington, D.C. 20234 and for violations of those regulations at Boulder or Fort Collins, Colorado, Physical Security Office, NBS, Radio Building, Boulder Colorado, 80302.

e. For matters including NOAA—see location i.

f. For matters involving NTIS: Office of the Associate Director for Financial and Administrative Management, National Technical Information Service, Springfield, Va. 22161.

g. For matters involving NTIA: Office of the Chief Counsel, National Telecommunications and Information Administration, 1800 G Street, N.W., Washington, D.C. 20504; or Office of Administration, National Telecommunications and Information Administration, 1800 G Street, N.W., Washington, D.C. 20504.

h. For matters involving PAT–TM: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington Virginia 22202.

i. For all other matters: Office of the General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. Some of the records at location a through h may be duplicated at location i. Also, the records at locations a through h may be duplicated in part or in whole in other Department of Commerce systems of records, or in Government-wide systems, at other locations. For assistance in this regard, information may be obtained from the individual identified in the appropriate Notification procedure section below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals the subject of any litigation in which the Department is involved; individuals who make administrative claims or appeals against the Department; individuals the subject of claims and administrative actions brought by the Department. Individuals cited for violation of traffic and grounds regulations. Individuals who may have provided statements or other evidence with respect to any of the above. "Department" means the U.S. Department of Commerce or any component thereof , or any officer or employee thereof.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, social security account numbers, statements of claims and analyses thereof, investigatory reports, opinions of law, and pleadings, motions, depositions, rulings, opinions, citation particulars (description of vehicle, date of birth, physical characteristics, driving permit or license data, vehicle license data, etc.), and other litigation and claims documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. Section 31101; 42 U.S.C. 3211; 31 U.S.C. 240; 28 U.S.C. 533–535 and 1346(b); 15 U.S.C. 277 and 278e(b); E.O. 10450; and all other authorities of the Department.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are disposed of according to unit's Record Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Associate Director for Administration Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location b.: Director, Officer of Administrative Support, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location c.: Chief Counsel, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For records at location d.: For matters involving NBS other than personal property loss claims and violations of traffic and grounds regulations: Legal Adviser, National Bureau of Standards, Washington, D.C. 20234. For matters involving violations of traffic and grounds regulations; Chief, Facilities Services Division, National Bureau of Standards, Supply and Plant Building, Washington, D.C. 20234. For matters involving personal property loss claims: Staff Officer, Office Management Division, National Bureau of Standards Washington, D.C. 20234.

For records at location f.: Associate Director for Financial and Administrative Management, National Technical Information Service Springfield, Va. 22161.

For records at location g.: Chief Counsel and Director of Administration (for their respective portions), National Telecommunications and Information Administration, U.S. Department of Commerce, 1800 G Street, N.W., Washington, D.C. 20504.

For records at location h.: Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e, f and i.: General Counsel, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

For records at location a.: information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location b., information may be obtained from: Privacy Act Office, Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location c., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location d.: information may be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234;

For records at location e.: information may be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location f.: information may be obtained from: Associate Director for Financial and Administrative Management, National Technical Information Service, Springfield, Va. 22161.

For records at location g.: information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, 1800 G Street, N.W., Washington, D.C. 20504.

For records at location h.: information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location i.: information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

Requester should provide name, address, social security number, case number, date of claim, organization unit in which employed, as appropriate, pursuant to the inquiry provisions which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject claimant or plaintiff; those authorized by the foregoing to furnish information; and, whatever sources pertinent to the nature of the case.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), all investigatory material and material subject to the provisions of 5 U.S.C. 552(b)(1) in the record which meets the criteria of these sub-sections is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to prevent disclosure of classified information as required by Executive Order 12065 in the interest of the national defense and foreign policy and in order for the Department's legal staff to properly perform its functions.

COMMERCE/DEPT-15

SYSTEM NAME:

Private Legislation Claimants-Central Legislative Files—COMMERCE/DEPT-15.

SYSTEM LOCATION:

Office of the General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual claimants against the government seeking remedy through private relief bills in patent, contract, employee compensation, and other similar areas which involve the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Draft and formal relief bills, statements, and information as to the basis and validity of the claim, and correspondence with the claimant and the sponsor of the legislation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Act of February 4, 1903, 32 Stat. 825.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockabled metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained according to the Office's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant General Counsel, Legislation, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Office of Organization and Management Systems, OS, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, social security number, date of claim, and name of bill, if any, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject claimant and those authorized by the claimant to furnish information; records of units of the Department primarily involved in the transaction; service or application on which the claim is founded; and the sponsoring Member of Congress.

COMMERCE/DEPT-16

SYSTEM NAME:

Property Accountability Files—COMMERCE/DEPT-16.

SYSTEM LOCATION:

a. For all libraries of the Department. For listing, see Directory of Libraries in the United States Department of Commerce, 1972, Department of Commerce, Washington, D.C.; or American Library Directory, biennial, R.R. Bowker Company, New York City.

b. For employees of CENSUS: Administrative Service Division, Bureau of the Census, Federal Building 4, Washington, D.C. 20233, and the following Census Regional Offices: 1365 Peachtree Street, NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 55 East Jackson Boulevard, Chicago, Illinois 60604; 1100 Commerce Street, Dallas, Texas 75242; 575 Union Boulevard (P.O. Box 25207), Denver, Colorado 80225; 231 W. Lafayette, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 11777 San Vicente Boulevard, Los Angeles, California 90049; 26 Federal Plaza, New York City, New York 10278; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

c. For employees of NBS: Security Office, National Bureau of Standards, Administration Building, Washington, D.C. 20234. Instrument Shops Division, Shops Building, NBS, Washington, D.C. 20234; and Security Office, Radio Building, NBS, Boulder, Colorado 80302.

d. For employees of PAT-TM: Users Services Section, Scientific Library, U.S. Patent and Trademark Office, Washington, D.C. 20231.

e. For NTIA: Office of Administration, National Telecommunications and Information Administration, 1800 G Street, NW., Washington, D.C. 20504.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, general public, institutions, and anyone who charges out or signs for books or other materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; telephone number; title of book; identification of property or equipment; home and business address; employee I.D. number; position; job title; grade; organization; explanations for items not accounted for, correspondence; clearances; and, key number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 40 U.S.C. 481–92; 15 U.S.C. 1518.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5 and 9–13 of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy in file folders and trays and machine-readable media.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets, or lockable desks, or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained until property is accounted for, then disposed of in accordance with unit's Record Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: The head of the respective library.

For records at location b.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the Director of the particular Regional Office listed above.

For records at location c.: Security Officer, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

For records at location d.: Program Manager, Scientific Library, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e.: Director of Administration, National Telecommunications and Information Administration, U.S. Department of Commerce, 1800 G Street, NW., Washington, D.C. 20504.

NOTIFICATION PROCEDURE:

For records at location a.: Address communication to the library's parent organization (e.g., National Bureau of Standards) Attention: Privacy Officer, or use the Privacy Officer's Official position title and address as listed in Appendix B to the Department's rules which appear in 15 CFR Part 4b.

For records at location b.: Information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location c.: Information may be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

For records at location d.: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231.

For records at location e.: Information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, 1800 G Street, NW., Washington, D.C. 20504.

Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, book cards, and supply person providing the equipment.

COMMERCE/DEPT-17

SYSTEM NAME:

Records of Cash Receipts—COMMERCE/DEPT-17.

SYSTEM LOCATION:

a. For Departmental offices, BEA, BIE, ITA, MBDA, USTS, Offices of Federal Cochairmen, RAPCs, and ARC: Office Financial Operations, OS, U.S. Department of Commerce, 14th and Constitution Ave., N.W., Washington, D.C. 20230.

b. For NTIS: Accounting Division, National Technical Information Service, Springfield, Virginia 22161.

c. For PAT–TM: Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

d. For Census: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

e. For NTIA: Office of Administration, National Telecommunications and

Information Administration, 1800 G Street, N.W., Washington, D.C. 20504.

f. For EDA: Accounting Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals paying for goods or services, reimbursing overpayments, or otherwise delivering cash to the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, the goods or service purchased, amount, date, check number, division or office, bank deposit, treasury deposit number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 66(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5 and 9–13 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine-readable.

RETRIEVABILITY:

Name and/or account or case number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Permanently maintained.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Director, Office of Financial Operations, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Accounting Division, National Technical Information Service, Springfield, Virginia 22161.

For records at location c.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location d.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location e.: Director of Administration, National Telecommunications and Information Administration, 1800 G Street, N.W., Washington, D.C. 20504.

For records at location f.: Chief, Accounting Division, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

For BEA records at location a., information may be obtained from: Chief, Management and Organization Branch, BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230;

For BIE records at location a., information may be obtained from: Administrative Officer, BIE, Room 4845, 14th and Constitution Avenue, N.W., Washington, D.C. 20230;

For ITA records at location a., information may be obtained from: Director, Office of Management and Systems, ITA, U.S. Department of Commerce, Washington, D.C. 20230;

For MBDA records at location a., information may be obtained from: Privacy Officer, Office of Chief Counsel, MBDA, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS record at location a., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230, and

For all other records at location a., information may be obtained from: Director, Office of Organization and Managment Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Associate Director for Financial and Administrative Management, National Technical Information Service, Springfield, Virginia 22161.

For records at location c., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location d., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location e., information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504.

For records at location f., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

Requester should provide name, address, date of receipt, and check number or case number pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information.

COMMERCE/DEPT–18

SYSTEM NAME:

Employees Personnel Files Not Covered By Notices of Other Agencies—COMMERCE/DEPT–18.

SYSTEM LOCATION:

a. For all Departmental employees: Departmental Office of Personnel, Room 5001, U.S. Department of Commerce, Washington, D.C. 20230 (for automated records and for selected records relating to Senior Executive Service and Departmental Honor Awards).

b. For employees of Departmental Offices, Offices of Federal Cochairmen, RAPC's, ARC, BEA, BIE, NTIA, NTIS, MBDA, and USTS: Departmental Office of Personnel Operations, Room 5008, U.S. Department of Commerce, Washington, D.C. 20230;

c. For employees of CENSUS: Office of Personnel, Bureau of Census, Federal Building 3, Room 3260, Washington, D.C. 20233;

d. For employees of ITA: Office of Personnel, International Trade Administration, Room 3512, U.S. Department of Commerce, Washington, D.C. 20230;

e. For employees of NBS: Office of Personnel, National Bureau of Standards, Administration Building, Room A123, Washington, D.C. 20234;

f. For employees of NOAA: Office of Personnel, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852;

g. For employees of PAT–TM: Office of Personnel, U.S. Patent and Trademark Office, U.S. Department of Commerce,

Room 9C06, Crystal Plaza 2, Arlington, Virginia 22202;

h. For employees of EDA: Personnel Management Division, Economic Development Administration, Room 7089, U.S. Department of Commerce, Washington, D.C. 20230; and

i. For any Department employee: The immediate office of an employee's supervisor(s), for records which have been disclosed to someone else.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

All personnel records in the Department which are subject to the Privacy Act but are not covered in the notices of systems of records published by other agencies with influence upon personnel management in the Department, such as the Office of Personnel Management, Merit System Protection Board, Equal Employment Opportunity Commission, Department of State or Department of Labor. The records of this system may include, but are not limited to: Employee Development; Incentive Awards; Employee Relations; Grievance Records; Medical; Work-related Injury or Illness Claims; Grievance Records; Medical; Career Management Program; Ship Personnel; Employee Overseas Assignments; Minority Group Statistics Program; Work Performance and Appraisal Records; including supervisory records which have been disclosed; Re-Employment and Priority Placement Programs; Executive Assignments and Merit Pay Actions; Merit Assignment Programs; Retirements; Within-Grade Denials (Reconsideration File); and, Automated Employee Information System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 5 U.S.C. 4101 et seq.; 5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp. p218, E.O. 12107, 3 CFR 1978 Comp. p264; and Federal Personnel Manual and related directives of the agencies cited above.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Information concerning current or former employees may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to officials of the Office of Personnel Management, Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission, the Department of State, or the Department of Labor when requested in performance of their authorized duties.

d. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

e. To provide information to officials or labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

f. See routine uses paragraphs in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine-readable.

RETRIEVABILITY:

Filed by name and/or social security number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained according to Unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Director, Office of Personnel, Room 5001, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location b.: Director, Office of Personnel Operations, Room 5008, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location c.: Chief of Personnel, Bureau of the Census, Federal Building 3, Room 3260, Washington, D.C. 20233;

For records at location d.: Director, Office of Personnel, International Trade Administration, U.S. Department of Commerce; Room 3512, Washington, D.C. 20230;

For records at location e.: Chief Personnel Division, National Bureau of Standards, Administration Building, Room A123, Washington, D.C. 20234;

For records at location f.: Director, Office of Personnel, National Oceanic and Atmospheric Administration, NBOC2, Rockville, Maryland 20852;

For records at location g.: Personnel Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Room 9C06, Crystal Plaza 2, Arlington, Virginia 22202;

For records at location h.: Personnel Management Division, Economic Development Administration, Room 7089, Washington, D.C. 20230; and

For records at location i.: Employee's supervisor(s).

NOTIFICATION PROCEDURE:

For BEA records at locations a. and b., information may be obtained from: Chief, Management and Organization Branch, BEA, Tower Building, 1401 K Street, N.W., Washington, D.C. 20230;

For BIE records at locations a. and b., information may be obtained from: Administrative Officer, BIE, Room 4845, 14th & Constitution Avenue, N.W., Washington, D.C. 20230;

For NTIA records at locations a. and b., information may be obtained from: Privacy Officer, NTIA, U.S. Department of Commerce, Washington, D.C. 20504;

For NTIS records at locations a. and b., information may be obtained from: Privacy Officer, NTIS, U.S. Department of Commerce, Washington, D.C. 20230;

For MBDA records at locations a. and b., information may be obtained from: Privacy Officer, Office of Chief Counsel, MBDA, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at locations a. and b., information may be obtained from: Director, Office of Administration, USTS, U.S. Department of Commerce, Washington, D.C. 20230.

For all other records at locations a. and b., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location c., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233;

For records at location d., information may be obtained from: Privacy Act Officer, Office of Management and

Systems, International Trade Administration, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location e. information may be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234;

For records at location f., information may be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location g., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231;

For records at location h., information may be obtained from: Personnel Management Division, Economic Development Administration, Room 7089, U.S. Department of Commerce, Washington, D.C. 20230; and

For records at location i., information may be obtained from: Privacy office for employee's unit.

Requester should provide name, social security number, and time or organization unit of employment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information; others involved in references of the individual; physicians; employee's supervisor; for grievance records information is also provided by the testimony of witnesses, by agency officials, and from related correspondence from organizations or persons.

COMMERCE/DEPT-19

SYSTEM NAME:

Department Mailing Lists—COMMERCE/DEPT-19.

SYSTEM LOCATION:

a. Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

b. Minority Business Development Agency, U.S. Department of Commerce, Washington, D.C. 20230.

c. Office of General Services, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

d. For carpool locator records of NBS: Facilities Services Division, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

e. Office of Administrative Services, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

At location a.: 1. Persons employed in the Suitland Federal Center who have voluntarily submitted an application to be included in the carpool locator system and be listed as a possible carpool member, and 2. Subscribers to Bureau of the Census publications.

At location b.: Subscribers to MBDA publications and/or representatives of the media who receive MBDA material at their home addresses.

At location c.: Former employees of the Patent and Trademark Office who have requested that their names be included on a newsletter mailing list.

At location d.: Individuals who have voluntarily submitted an application to be included in the carpool locator system and to be listed as a potential carpool member.

At location e.: Individuals who communicated with the 1978 White House Conference on Balanced National Growth and Economic Development, including individuals who received Conference literature.

CATEGORIES OF RECORDS IN THE SYSTEM:

At location a.: 1. Carpool records include name, address, work week, hours of work, work location, work phone number, willingness to join in a carpool, willingness to participate as a driver or rider in a carpool, zip code. 2. Subscriber lists include name and home address.

At location b.: Name and home address.

At location c.: Name and home address.

At location d.: Carpool locator records include applicant's name, home address, zip code, work hours, work location, office telephone number.

AT location e.: Name, home and/or business address; home and/or business telephone number; place of employment or interest group; type of organization; nature of relationship to the Conference (participant, guest, observer, etc.); source of name; and subject area(s) of interest.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 15 U.S.C. 1512, 2205, 2208, and 44 U.S.C. 3101.

For records at location e.: Public Works and Economic Development Act of 1976, P.L. 94–487, Title II, 90 Stat. 2339, 42 U.S.C. 3121 note.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For all locations, see general routine uses 4, 5, 9, 10, 12, and 13 of the Prefatory Statement.

For records at location a.: Carpool records are disseminated to other persons working at the Suitland Federal Center who have voluntarily listed themselves to form carpools; home address is suppressed.

For records at location d.: Carpool locator records are disseminated to individuals working at or near the NBS site, who request information on carpools. (Home addresses are withheld.)

For records at location e.: Information may be provided Federal, State, local or international agencies in response to a written request indicating likelihood that individuals on the mailing list would benefit by or be interested in material to be sent by the requesting agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy in file folders, computer tape, mailing labels.

For records at location e.: Index cards and computer print-outs.

RETRIEVABILITY:

Alphabetically by name, and for records at location a., by zip code.

For records at location e.: Alphabetically, by name, by geographical area (state, city), by type of organization with which affiliated if any, by nature of relationship to the Conference, by source of name, and by subject area(s) of interest.

SAFEGUARDS:

Records are located in locked cabinets or in secured rooms or premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained in accordance with each unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Associate Director for Administation, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location b.: Chief of Information, Office of Public Affairs, MBDA, Washington, D.C. 20230.

For records at location c.: Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location d.: Chief, Facilities Services Division, National Bureau of Standards, Administration Building, Room A705, Washington, D.C. 20234.

For records at location e.: Director, Office of Administrative Services, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

For records at location a.: Information may be obtained from: Associate Director for Administration, Federal Building 3, Bureau of the Census, Washington, D.C. 20233.

For records at location b.: Privacy Officer, Office of Chief Counsel, Minority Business Development Agency, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location c.: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location d.: Information may be obtained from Deputy Director of Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requests should provide applicant's name and address in accord with the inquiry provisions of the Department's rules that appear in 15 CFR Part 4b.

For records at location e.: Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Same address of the desired location as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

RECORD SOURCE CATEGORIES:

Subject individuals, and those authorized by subject individual.

For records at location e.: Subject individual; those authorized by the individual to furnish information; public reference sources (press articles, Who's Who, etc.); government, private and public interest organizations.

COMMERCE/DEPT-20

SYSTEM NAME:

Biographical Files—COMMERCE/DEPT-20.

SYSTEM LOCATION:

a. For Secretarial Officers, senior-level officials, and employees of the Office of the Secretary: Office of Public Affairs, U.S. Department of Commerce, Washington, D.C. 20230.

b. For Secretarial Officers and senior-level officials included in Biographical Resumes of Key Officials: Offices of the Director of Personnel, and Assistant Secretary for Administration; all Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230.

c. For employees of CENSUS: Public Information Office, Federal Building #3, Bureau of the Census, Washington, D.C. 20230.

d. For employees of ITA: Office of Public Affairs, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20233.

e. For employees of EDA: Office of Public Affairs, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

f. For employees of MARAD: Office of Public Affairs, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230.

g. For members of the Advisory Board to the U.S Merchant Marine Academy: Office of Assistant Secretary for Maritime Affairs, U.S. Department of Commerce, Washington, D.C. 20230.

h. For employees of NBS and for participants in the Commerce Science and Technology Fellowship Program: Public Information Division, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

i. For employees of NBS' Boulder Laboratories: Program Information Office, National Bureau of Standards, Radio Building, Boulder, Colorado 80303.

j. For members of the National Advisory Committee on Oceans and Atmosphere: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, N.W. (PG #1, Room 438), Washington, D.C. 20235.

k. For employees of NOAA: NOAA headquarters locations: Office of Public Affairs, National Oceanic and Atmospheric Administration, 11420 Rockville Pike, Rockville, Maryland 20852, and/or NOAA field installations, the principal addresses of which are:

NOAA's National Ocean Survey, 6001 Executive Boulevard, Rockville, Maryland 20850.

NOAA's National Weather Service, 8060 13th Street, Silver Spring, Maryland 20910.

NOAA's Office of Coastal Zone Management, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235.

NOAA's Office of Sea Grant, 6010 Executive Boulevard, Rockville, Maryland 20852.

NOAA's Environmental Research Laboratories, 3100 Marine Street, RB3, Boulder, Colorado 80302, and Environmental Research Laboratories at 9 locations in the United States.

NOAA's National Marine Fisheries Service, 3300 Whitehaven Street, Washington, D.C. 20235.

A complete list of all field installations is available upon request from individual designated in Notification section below.

l. For employees of MBDA: Public Affairs Office, Minority Business Development Agency, U.S. Department of Commerce, Washington, D.C. 20230.

m. For employees of PAT-TM: Office of Information Services, Patent and Trademark Office, Washington, D.C. 20231.

n. For employees of the Office of Science and Technology and Productivity, Technology and Innovation and organizational components reporting to the Assistant Secretary; for members of the Commerce Technical Advisory Board and its subcommittees; and for participants in the Commerce Science and Tech-Productivity, Technology and Innovation, U.S. Department of Commerce, Washington, D.C. 20230.

o. For employees of NTIA's Institute for Telecommunication Sciences: Institute for Telecommunication Sciences, NTIA, Boulder, Colorado 80302. For other NTIA employees: Office of the Director of Congressional and Public Affairs, NTIA, 1800 G Street, N.W., Washington, D.C. 20504.

The information in this sytem may be duplicated in other Privacy Act systems of the Commerce Department, in the systems maintained by the Office of Personnel Management, or in the immediate office of the individual to whom the biographical record pertains.

For assistance in this regard, contact the Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former Department personnel, and members of advisory committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information which typically includes date and place of birth; education; military service; present position; employment history; field of research; publications; inventions and patents; awards and honors; memberships and affiliations; present and past residences; telephone number; names, ages, and addresses of family members; hobbies and outside interests; and photograph of individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 1512, 44 U.S.C. 3101 and Reorganization Plan No. 5 of 1950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Distributed to the press, other government agencies, and the general public for use in connection with written articles, oral interviews, speaking engagements, retirement and obituary notices, and other purposes of public information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders or notebooks.

RETRIEVABILITY:

By name alphabetically or by position or work unit.

SAFEGUARDS:

Records are located in locked metal file cabinets or locked rooms during non-business hours.

RETENTION AND DISPOSAL:

Records retention and disposal is in accord with each operating unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: Information Assistant, Office of Communications.

For records at location b.: Director of Personnel, U.S. Department of Commerce.

For records at location c.: Director, Bureau of the Census.

For records at location d.: Director, Office of Public Affairs, International Trade Administration.

For records at location e.: Director, Office of Public Affairs, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

For records at location f.: Chief, Public Information Division, National Bureau of Standards.

For records at location g.: Chief, Program Information Office, National Bureau of Standards.

For records at location h.: Executive Director, National Advisory Committee on Oceans and Atmosphere.

For records at location i.: Director, Office of Public Affairs, National Oceanic and Atmospheric Administration.

For records at location j.: Information Officer, Minority Business Development Agency.

For records at location k.: Director, Office of Information Services, Patent and Trademark Office.

For records at location l.: Special Assistant to the Assistant Secretary for Productivity, Technology, and Innovation, Office of Productivity, Technology, and Innovation, U.S. Department of Commerce.

For records at location m.: Director of Congressional and Public Affairs, National Telecommunications and Information Administration.

For each system manager, use same address as shown in applicable System Location section above.

NOTIFICATION PROCEDURE:

For records at locations a. b. h., and for Office of the Secretary records at location l. Information may be obtained from: Director Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at the locations listed below, information may be obtained from the individual designated. Use same address for each as shown in appropriate System Location section above.

c.: Associate Director for Administration, Bureau of the Census.

d.: Privacy Act Officer, Office of Management and Systems, International Trade Administration, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230.

e.: Director, Office of Public Affairs, Economic Development Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

f. and g. and NBS records at location l. Deputy Director of Administration, National Bureau of Standards.

k.: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration.

l.: Privacy Officer, Office of Chief Counsel, Minority Business Development Agency.

m.: and PTA–TM records at location l. Assistant Commissioner for Administration, Patent and Trademark Office.

n: Privacy Officer, National Telecommunications and Information Administration.

For NTIS records at location l. Assistant Director for Administration, National Technical Information Service, Sills Building, Springfield, Virginia 22161.

BEA records are included in locations a. and b. above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address of the desired location as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

RECORD SOURCE CATEGORIES:

All locations, subject individuals. Also, for records at locations b. and f, the individual's Official Personnel File; for records at location i. supervisors of subject individuals; for records at locations h. and i., personnel offices; and for records at locations f., g., and l., other sources such as news releases, articles and publications relating to the subject individual.

COMMERCE/CENSUS-1

SYSTEM NAME:

Agriculture Census Records for 1974 and 1978—COMMERCE/CENSUS–1

SYSTEM LOCATION:

Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Farm operators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Age, race, residence, ethnic groups off-farm employment, income.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

13 U.S.C. 142.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These data maintained by the Bureau of the Census are used solely for statistical purposes and are confidential under 13 U.S.C. 8 and 9. Publications of the Bureau do not contain data that could identify any particular establishment or individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, microform, paper hard copy.

RETRIEVABILITY:

Retrieved by unique serial identification numbers internal to the Bureau.

SAFEGUARDS:

All employees are subject to the restrictions penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, governing the confidentiality of the data.

RETENTION AND DISPOSAL:

Retention and disposal practices are in accordance with approved General Services Administration schedules. Generally, records are retained for periods of 5 to 11 years, unless a longer period is necessary for statistical purposes or for permanent archival retention.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C., 552 a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance with agency rules published in 15 CFR Part 4b.

COMMERCE/CENSUS-2

SYSTEM NAME:

Employee Productivity Measurement Records—COMMERCE/CENSUS-2.

SYSTEM LOCATION:

Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103 and Bureau of the Census, Personal Census Service Branch, Pittsburg, Kansas 66762. Also at the following Census Regional Offices: 1365 Peachtree Street NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 S. Tryon Street, Charlotte, North Carolina 28202; 55 E. Jackson Boulevard, Suite 1304, Chicago, Illinois 60604; 1100 Commerce Street, Dallas, Texas 75242; 575 Union Boulevard, P.O. Box 25207, Denver, Colorado 80225; 231 W. Lafayette, RM 565, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 11777 San Vicente Boulevard, Los Angeles, California 90049; 26 Federal Plaza, New York, New York 10278; 600 Arch Street, Philadelphia, Pennsylvania 19106; 1700 Westlake Avenue, Seattle, Washington, 98109. Also at the following processing offices: Bureau of the Census, Laguna Niguel Processing Office, Chet Holifield Building, 24000 Avila Road, Laguna Niguel, California 92677 and Bureau of the Census, New Orleans Processing Office, Michoud Assembly Facility, Building 350–2W, 13800 Old Gentilly Road, New Orleans, Louisiana 70129.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Census employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, employee number, rate of pay, supervisor, organization unit, location, type of work performed, time work accomplished, work units processed, production standard and percent performance, number and types of errors and error rates, work units accepted and rejected, and similar information on employee and work group productivity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5 and 8–13 in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, paper copy, microform.

RETRIEVABILITY:

Retrieved by name or employee number and/or program or interviewer code.

SAFEGUARDS:

Tape under ADP security, sensitive material is held in locked file cabinets.

RETENTION AND DISPOSAL:

Records retained for 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

NOTIFICATION PROCEDURE:

Information may be obtained from: same address as stated in the system manager section above. Requester should provide name, employee number and/or program or interviewer code, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals, timekeepers, supervisors, managers, and those authorized by the individuals to furnish information.

COMMERCE/CENSUS-3

SYSTEM NAME:

Individual and Household Statistical Surveys and Special Studies Records—COMMERCE/CENSUS-3.

SYSTEM LOCATION:

Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103 and National Archives and Records Service, Washington National Records Center, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals designated for statistical sample surveys and special studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Age, sex, race, education, marital status, residence, family income, birth expectations, employment, ethnic origin, relationship to head of household, mobility status, and similar social, economic, and demographic characteristics of individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 17012–1, 2(f) and 2(g); 13 U.S.C. 6, 8, 9, 41, 89, 101, 141, 181, 195, and 301; 15 U.S.C. 772; 16 U.S.C. 742d(4) and (5); 23 U.S.C. 134, 307, and 307a; 29 U.S.C. 1 and 9; 31 U.S.C. 686; 42 U.S.C. 242c, 242k, 282(5), 902, 1395 11(a), 1862, 2825, and 3732; and 49 U.S.C. 1605.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Identifiable data from records not protected by 13 U.S.C. 9, received from State and local units of government responsible for administering Comprehensive Employment and Training Act funds and from individual respondents pursuant to the Longitudinal Manpower Survey authorized by 29 U.S.C. 881(c) and 883, may be furnished to the Social Security Administration solely for the purpose of obtaining further identifiable data for statistical use in the Survey. The data provided are: social security number, name, month and year of birth, race and sex. No determinations affecting individual respondents are made as a result of this routine use. (2) Publications resulting from the use of the records in this system do not contain data that could identify any particular establishment or individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy, punch card, magnetic tape, and microfilm.

RETRIEVABILITY:

Unique serial identification numbers internal to the Bureau of the Census.

SAFEGUARDS:

All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

RETENTION AND DISPOSAL:

Retention and disposal practices are in accordance with approved GSA schedules. Generally, records are retained for periods of 5 to 7 years, unless a longer period is necessary for statistical purposes or for permanent archival retention.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C., 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this **Federal Register.**

COMMERCE/CENSUS–4

SYSTEM NAME:

Minority-Owned Business Enterprises Survey Records—COMMERCE/CENSUS–4.

SYSTEM LOCATION:

National Archives and Records Service, Washington National Records Center, Washington, D.C. 20409 and General Services Administration, Federal Records Center, Suitland, Maryland 20233 and Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Female and minority persons who are sole proprietors, partners, or shareholders of small business corporations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, sex, race, whether Spanish surname, receipts of business, geographic area, legal form of business. Name and social security number are deleted from partners and stockholders once other data are coded. Data include number, geographic dispersion, and economic characteristics of minority business enterprises.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

13 U.S.C. 131 and 132.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These data maintained by the Bureau of the Census are used solely for statistical purposes. Publications do not contain data that could identify any particular establishment or individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy and magnetic tape.

RETRIEVABILITY:

Filed by name and social security number.

SAFEGUARDS:

All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

RETENTION AND DISPOSAL:

Records are retained in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this **Federal Register.**

COMMERCE/CENSUS–5

SYSTEM NAME:

Population and Housing Census Records of the 1960 and subsequent Censuses—COMMERCE/CENSUS–5.

SYSTEM LOCATION:

Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census 1201 East 10th Street, Jeffersonville, Indiana 47103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons counted during the Censuses of Population and Housing taken in 1960 and later.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain population information on age; sex; race or color; Marital status and family relationships; citzenship and ethnic origin; education and veteran status, income, occupation and employment; and housing information on occupancy, vacancy, utilization, plumbing, structural and fianancial characteristics and equipment, fuels and appliances, and similar social, economic, and demographic characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

13 U.S.C. 141.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are maintained and used solely for statistical purposes and are confidential under 13 U.S.C. 8 and 9. Publications do not contain data that could identify any particular establishment or individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microform, paper copy, magnetic tape, punch cards.

RETRIEVABILITY:

Information is retrieved by the use of unique serial identification numbers internal to the Bureau of the Census.

SAFEGUARDS:

All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. employees are also regularly advised of the regulations issued pursuant to title 13, U.S.C. governing the confidentiality of the data.

RETENTION AND DISPOSAL:

Records are retained in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C., 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as data are maintained by the Bureau of the Census solely as statistical records as required under title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this **Federal Register.**

COMMERCE/CENSUS-6

SYSTEM NAME:

Population Census Personal Service Records for 1900 and All Subsequent Decennial Censuses—COMMERCE/CENSUS-6.

SYSTEM LOCATION:

Bureau of the Census, Personal Census Services Branch, Pittsburg, Kansas 66762.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons ever counted during decennial censuses of population (1900–1970).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, relationship to head of household, date of birth, marital status, occupation and education data, race of household members, and other similar characteristics as reported in each census.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

13 U.S.C. 8.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be considered as statistical records pursuant to 5 U.S.C. 552(a), as they were originally collected for statistical purposes, and are now maintained to perform searches at the request of subject individual under procedures published in the 15 CFR Part 60 and in accordance with 13 U.S.C. 8 to provide proof of age, citizenship, proof of relationship, and limited use for genealogical purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microform.

RETRIEVABILITY:

Indexed by numerical coding of surname on SOUNDEX system and by township, county, and state.

SAFEGUARDS:

All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governning the confidentiality of the data.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(4) this record is exempt from the notification access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as data are maintained by the Bureau of the Census as statistical records as required by Title 13, U.S. Code and are not used by the Bureau in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance with the Department's rules which appear in 15 CFR Part 4b.

COMMERCE/CENSUS-7

SYSTEM NAME:

Special Censuses of Population Conducted for State and Local Government—COMMERCE/CENSUS-7.

SYSTEM LOCATION:

Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Residents counted in the area requesting a census.

CATEGORIES OF RECORDS IN THE SYSTEM:

Address, name, age, race, sex, relationship to head of household, and occasionally other related social, economic, and demographic characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

13 U.S.C. 8.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These data maintained by the Bureau of the Census are used solely for statistical purposes. Publications do not contain data that could identify any particular establishment or individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, paper copy.

RETRIEVABILITY:

Records are retrieved by name and address.

SAFEGUARDS:

All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

RETENTION AND DISPOSAL:

Tapes retained for 90 days after processing, then erased, paper copy is retained for 2 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552(a)(k)(4) this record is exempt from the notification access and contest requirements of the agency procedures (under 5 U.S.C. 552(a)(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this **Federal Register.**

COMMERCE/ITA-1

SYSTEM NAME:

Individuals Identified in Export Transactions—COMMERCE/ITA–1.

SYSTEM LOCATION:

Office of Export Administration, ITA, U.S. Department of Commerce, 14th St. and Constitution Ave., NW., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Individuals involved in export transactions. Information is maintained on domestic and foreign companies and business officials, and includes U.S. citizens involved with or working for firms abroad. b. Individuals identified in an export administration compliance proceeding or investigation. Individuals alleged to have violated the Export Administration regulations; established violators of the regulations; certain other individuals identified by the FBI or other investigating agency or individual in the investigative process such as those involved in organized crime; and individuals who have received warning letters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports and cables from U.S. foreign service posts. Reports from F.B.I., other law enforcement or investigative agencies, investigators, or informants; investigative and intelligence data; documented violations; warning letters. Includes any information on alleged or proven violators of the Export Administration Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Export Administration Act of 1979 (Public Law 96–72, 50 U.S.C. App. et seq.). 5 U.S.C. 301, 28 U.S.C. 533–535, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5 and 8–13 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information filed by case or subject file. All names are cross-referenced by name card file.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained for a reasonable period of time. Disposition is recorded.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Compliance Division, Office of Export Administration ITA, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Privacy Officer, Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, address, and case or subject, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing intial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Individual exporters, those authorized by the individual exporters to furnish information, trade sources, investigative agencies, intelligence, investigative and other personnel of the Office of Export Administration, informants, CIA, FBI, Justice Department, Defense Department, Energy Department, and State Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and pursuant to 5 U.S.C. 552a(k)(1) and (k)(2) on condition that the 5 U.S.C. 552a(j)(2) exemption is held to be invalid, all investigatory material in the record which meets the criteria stated in 5 U.S.C. 552a (k)(1) and (k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. Section 12(c) of the Export Administration Act of 1979 also protects certain of this information and material related to export licenses from disclosure.

COMMERCE/ITA-2

SYSTEM NAME:

Individuals Involved in International Business Trade Complaints—COMMERCE/ITA–2.

SYSTEM LOCATION:

Office of Export Marketing Assistance, ITA, U.S. Department of Commerce, 14th St. and Constitution Ave., NW., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing trade complaints (business disputes) against foreign firms, or against whom foreign firms file complaints through U.S. Embassies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaint and supporting documentation, record of the handling and disposition of the complaint, and third party information (bank references, information obtained from other parties to the transaction, and commercial contacts of the individual).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 1512.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5, 9 and 13 of the Prefatory Statement. Also foreign governments obtain information on the disputants in order to check reliability of the firms involved, and foreign firms involved in the dispute obtain information. This information is supplied to the foreign governments and foreign firms through the Department of State. The Department of State also uses information to check the credibility of the foreign firms involved in a dispute. Information is released to other executive branch agencies, e.g., SBA, USDA, when a party to the dispute falls within their area of jurisdiction in an attempt to solve the dispute.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Name of American party to the dispute.

SAFEGUARDS:

Metal cabinets with bar and combination lock.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Export Marketing Assistance, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Privacy Act Officer, Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and name of American party to the dispute pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, the complainant, banks, commercial contracts, and other parties to the transaction.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), material which is classified is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f), to prevent disclosures detrimental to national defense or foreign policy.

COMMERCE/ITA–3

SYSTEM NAME:

Mission Directors/Seminar Chairpersons/Industry Tecnical Representatives—COMMERCE/ITA–3.

SYSTEM LOCATION:

Office of Export Promotion, ITA, 14th St. and Constitution Ave. NW., U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are Directors of Department of Commerce U.S. Trade Missions, Chairpersons of U.S. Government Seminar Missions, and Industry Technical Representatives of Department of Commerce Catalog Exhibitions and Video/Catalog Exhibitions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Home address, date and place of birth, photographs, brief career history, citizenship, and passport numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delegation of Authority, dated June 25,1962 from United States Information Agency under Section 5(e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. Participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General routine uses 1–5, 9 and 13 apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By promotion theme of trade event, location of trade event and individual's name.

SAFEGUARDS:

Records are locked in lockable metal file cabinets or in metal file cabinets in secured rooms or premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

File is retained for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Special Promotions Division, Office of Export Promotion, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Privacy Act Officer, Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and location of trade mission and individual's name pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual

concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES.

Subject individual, and individual's company, and those authorized by the individual to furnish information.

COMMERCE/ITA–4.

SYSTEM NAME:

Membership Information: District Export Councils—COMMERCE/ITA–4.

SYSTEM LOCATION:

U.S. Commercial Service, ITA, 14th St. and Constitution Ave. NW., U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present, former and potential members of the District Export Councils.

CATEGORIES OF RECORDS IN THE SYSTEM:

Address, date and place of birth, brief career history, education, special qualifications for appointment, and record of appointment. Miscellaneous material such as photographs, press releases and resumes are maintained on some members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 1512.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5 and 9, 12, and 13 of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by council and name of individual.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal cabinets in secured rooms or premises with access limited to those whose Official duties require access.

RETENTION AND DISPOSAL:

Retained for active councils. Retired when councils terminate or when individuals leave councils.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Secretary for the U.S. Commercial Service, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Privacy Act officer, Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and council pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, individual's company, and persons nominating the individual for council membership.

COMMERCE/ITA–5

SYSTEM NAME:

National Defense Executive Reserve Personnel Folders—COMMERCE/ITA–5.

SYSTEM LOCATION:

Office of Industrial Mobilization and Office of Export Administration, ITA, 14th and Constitution Ave., N.W., U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals from the business community selected to assume responsibility for industrial production, construction, and distribution in the event of national emergencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; home address; photograph; brief career history; names of close relatives; marital status; previous government experience; previous residences; current and recent past employment and approximate earnings; citizenship; social security number; business and residence telephone numbers; security clearance; statement of understanding; request for appointment; secrecy agreement; sex; date and place of birth; military and civil defense obligations; education; and professional and other memberships.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11179 of September 22, 1964.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5, 9, 12, and 13 of Prefatory Statement. Transferring data to the Federal Emergency Management Agency pursuant to E.O. 11179.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper forms, index cards, word processor diskettes, and magnetic tape.

RETRIEVABILITY:

Paper forms and index cards are filed alphabetically by individual's name. Data on magnetic tape is retrieved by serial number. Data on word processor diskettes also retrieved alphabetically by individual's name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in secured rooms or premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained until two years after individual's resignation or death and then discarded.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Industrial Mobilization, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

Emergency Planning Officer, Office of Export Administration, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Privacy Act Officer, Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORED PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information.

COMMERCE/ITA-6.

SYSTEM NAME:

Foreign Service Officer Evaluations—COMMERCE/ITA-6.

SYSTEM LOCATION:

Foreign Commerce Service, ITA, U.S. Department of Commerce, 14th and Constitution Ave., N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Foreign Commercial Service of the United States and Foreign Service Officers of the United States (State Department) serving abroad in commercial and/or economic positions or serving domestically in the United States Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Memorandums, cables, letters and other documents used in the preparation of Foreign Service Commercial Officer Evaluation Reports; and (2) other documents relating to officer performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Foreign Service Act of 1980 (P.L. 96-465)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record in this system may be disclosed as a routine use to the Department of State in connection with the evaluation of the performance of a Foreign Service Officer. See also paragraphs 1-5 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by individual FSO's name.

SAFEGUARDS:

Records are located in lockable metal file cabinets in premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Documents relating to officer performance are retained until retirement, resignation, or death of the individual and then retired or destroyed, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Director General of the Foreign Commercial Service, ITA, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Privacy Act Officer, Office of Management and Systems, ITA, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide his name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, and supervisors of those individuals.

COMMERCE/IATC-1.

SYSTEM NAME:

Auditor Trainee Registrants—COMMERCE/IATC-1.

SYSTEM LOCATION:

Office of Administrative Services, Records Management Division, U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who had registered as an enrollee at the Interagency Auditor Training Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; date of birth; social security number; phone; address; occupation; position; grade level; and education.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Government Employees Training Act of 1958; Executive Order 11348, April 20, 1976; and Intergovernmental Cooperation Act of 1968 (P.L. 90-557).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1-5 and 9-13 of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Indexed by name and year of attendance.

SAFEGUARDS:

Records are located in secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records will be disposed of in accordance with the Office's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administrative Services, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: address same as above. Requester should provide name and dates of attendance pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Director, Office of Organization and Management Systems, OS, Department of Commerce, Washington, D.C. 20230.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and those authorized by the individual to furnish information.

COMMERCE/MBDA-1

SYSTEM NAME:

Descriptive Data Questionnaire—COMMERCE/MBDA-1

SYSTEM LOCATION:

James H. Lowry and Associates, Suite 1340, 303 East Wacker Drive, Chicago, Illinois 60601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students and business managers and entrepreneurs surveyed on a voluntary basis as part of the study of business

management development needs of minorities.

CATERGORIES OF RECORDS IN THE SYSTEM:

Age, sex, ethnic origin, education, company data, assessment of career and goals, organizational affiliation(s), personal performance evaluation, opinions of career opportunities/impediments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11625.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The James H. Lowry Associates, specifically the Project Manager and an administrative staffer, will use this information to identify those areas which MBDA's business management development program should address.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy in file folders for 60 days; then converted to magnetic tape.

RETRIEVABILITY:

By site code.

SAFEGUARDS:

Records are located in company vault with access limited to those whose official duties require access. Only two James H. Lowry and Associates employees will have access.

RETENTION AND DISPOSAL:

Survey information will be destroyed September 30, 1982.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Planning, Budget and Evaluation, MBDA, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from Deputy Chief Counsel, MBDA, U.S. Department of Commerce, Washington, D.C. 20230.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS-1.

SYSTEM NAME:

NBS Guest Workers—COMMERCE/NBS-1

SYSTEM LOCATION:

Personnel Division, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Guest workers pursuing individual scientific or technical projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Agreement between NBS and guest worker; name; citizenship; social security number; supervisor; arrival and departure dates; date of security assurance; conditions; and facilities to be made available.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

27 Stat. 395 and 31 Stat. 1039.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–10 and 13 in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

The records are disposed 5 years after guest worker terminates.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officer, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Director of Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and approximate date of affiliation, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, and operating officials making the facilities available.

COMMERCE/NBS-2

SYSTEM NAME:

Inventors of Energy-Related Processes and Devices—COMMERCE/NBS-2

SYSTEM LOCATION:

Office of Energy-Related Inventions, National Engineering Laboratory, National Bureau of Standards, Washington, D.C. 20234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inventors submitting ideas for evaluation by NBS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and telephone number of the persons submitting ideas or inventions for evaluation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

88 Stat. 1894.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the routine use paragraphs 1–10 and 13 in the Prefatory Statement, the information is used in correspondence with the inventor or person submitting the invention for evaluation and submitter-designated interested third parties, in the evaluation of technical and commercial feasibility, in reports to the Department of Energy, and in development of statistical and analytical data.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine-readable.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets; access to all files is restricted to those persons requiring access for evaluation or administrative purposes and who have permission pursuant to a written contract or agreement with NBS, or have written authorization of the legal advisor; an exception to this would be a valid request made under the Freedom of Information Act for information that is not 1) a trade secret or 2) commercial or financial information that is privileged or confidential and therefore falling within the exemption set out in the Act, 5 U.S.C. 552(b)(4).

RETENTION AND DISPOSAL:

Currently all records are retained indifinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Energy-Related Inventions, National Engineering Laboratory, National Bureau of Standards, Washington, D.C. 20234.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Director of Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and additional factual data as appropriate, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and those authorized by the individual to furnish information.

COMMERCE/NBS-3

SYSTEM NAME:

Research Associates—COMMERCE/ NBS-3.

SYSTEM LOCATION:

Office of the Director, Administration Building, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research Associates.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal history statement, conflict of interest statement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

27 Stat. 395 and 31 Stat. 1039.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5, 9, and 13 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable file cabinets with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are transferred from an active to terminated section of the files at conclusion of individual's service as a research associate and are retained in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Industrial Liaison Officer, Office of the Director, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Director of Administration, Room 1105, Administration Bldg., National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and approximate date of affiliation, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS-4

SYSTEM NAME:

Employees External Radiation Exposure Records—COMMERCE/ NBS-4.

SYSTEM LOCATION:

Health Physics, Occupational Health and Safety Division, National Bureau of Standards, Washington, D.C. 20234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals working with radioactive materials and machines who may be exposed to ionizing radiation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, date of birth, organizational unit, and amount of radiation received.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2201 and 68 Stat. 950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1, 3, 4, 5, 6, and 9 in the Prefatory Statement. Also, film from badges is sent monthly to the U.S. Army for determination of amount of radiation exposure.

Information involving exposure levels, incidents, and amounts of overexposure is required to be submitted to the Nuclear Regulatory Commission. In the event of serious overexposure, information would be disclosed to the Bethesda (Maryland) Naval Medical Center, employee's family physician, and other appropriate medical authorities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, film, and/or machine-readable.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Manual records are located in lockable metal file cabinets with access limited to those whose official duties require access. Machine-readable records are accessible only with terminals under the administrative control of the Health Physics Unit of the

Occupational Health and Safety Division.

RETENTION AND DISPOSAL:

Currently, records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Health Physics, Occupational Health and Safety Division, National Bureau of Standards, Washington, D.C. 20234.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Director, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name, social security number, and date of employment, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rule for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and U.S. Army.

COMMERCE/NBS-5

SYSTEM NAME:

Nuclear Reactor Operator Licensees File—COMMERCE/NBS-5.

SYSTEM LOCATION:

Reactor Radiation Division, National Measurement Laboratory, National Bureau of Standards, Washington, D.C. 20234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NBS employees who are licensed as Nuclear Reactor Operators, those whose applications for licenses are being processed, and those whose licenses have expired.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to the application for a Nuclear Reactor Operator's license, certification of competency, certification of medical history, results of medical examination and related correspondence, reactor operator examination and examination results, records of training, and license or denial letter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 107, 161(i), Atomic Energy Act of 1954 as amended, 42 U.S.C. 2137, and 2021(i), 15 U.S.C. 272.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be disclosed: To the Nuclear Regulatory Commission for the purpose of conducting audits of the qualifications of reactor operators. Also see routine use paragraphs 1–6 and 9–13 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in a locked filing cabinet in a limited access building.

RETENSION AND DISPOSAL:

All records relating to an individual's license and documentation for license including requalification requirements will be retained as long as is required by the Reactor License and will thereafter either be turned over to the individual concerned or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Reactor Radiation Division, National Measurement Laboratory, National Bureau of Standards, Washington, D.C. 20234.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Director of Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and additional factual data as appropriate, pursuant to the inquiry provisions of the Department's rules, which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be adressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, licensed physician, employees of the Reactor Radiation Division, and those authorized by the subject individual to supply information.

COMMERCE/NBS-6

SYSTEM NAME:

Participants in Experiments, Studies, and Surveys—COMMERCE/NBS-6.

SYSTEM LOCATION:

Portions of the system may be located with contractors involved in the experiments, studies, or surveys, or in any one of the following locations:

National Measurement Laboratory, Room B364, Materials Bldg., NBS, Washington, D.C. 20234; Room R4011, NBS, Boulder, CO 80302;

National Engineering Laboratory, Room B117, Technology Bldg., NBS, Washington, D.C. 20234.

Institute for Computer Sciences and Technology, Room A200, Administration Bldg., NBS, Washington, D.C. 20234.

For those portions located with contractors, a complete list of contractors and addresses is available from the Deputy Director for Information Systems, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have voluntarily applied to serve or who have served as participants in socio-economic, technical, or psychological experiments, studies and surveys undertaken in furtherance of authorized research activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, age, birth date, place of birth, sex, race, home address and telephone number, business address and telephone number, education, income, occupation, family size and composition, patterns of product use, drug sensitivity data, medical, dental and physical history information, and such other information as is necessary, to be determined by the subject matter and purpose of the experiment, study or survey, including data derived from participants' responses during the course of the authorized research.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 271 et. seq.; 29 U.S.C. 651 et. seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in the system may, on occasion, be disclosed to Federal agencies and other outside organizations which have sponsored the research in connection with which the data were obtained. General routine use paragraphs 5, 9, and 13 of the Prefatory Statement also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, electromagnetic storage material and microform.

RETRIEVABILITY:

Filed alphabetically by name, or control number or other code identifier.

SAFEGUARDS:

During business hours the records at NBS sites are maintained in a secured building with access limited to those whose official duties require access; during non-business hours, the records are in secured rooms with access controlled by security guards. Any records maintained by contractors will be maintained in similar fashion in accordance with contractual specifications.

RETENTION AND DISPOSAL:

Retained in accord with NBS's records control schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Engineering Laboratory, Room B117, Technology Bldg., NBS, Washington, D.C. 20234.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name, approximate date, and title of experiment, study or survey pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and for appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and those authorized by the individual to furnish information.

COMMERCE/NBS-7

SYSTEM NAME:

NBS Emergency Locator System—COMMERCE/NBS-7

SYSTEM LOCATION:

National Bureau of Standards, Gaithersburg, Maryland: Physical Security Office, Fire Protection Service Office, Health Physics Unit Office; National Bureau of Standards, Boulder, Colorado: Guard Office, Deputy Security Office, homes of Department of Commerce management officials having overall responsibility for the protection of personnel, buildings, and equipment.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NBS employees and other individuals utilizing NBS facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and home telephone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 278e, 40 U.S.C. 490(d).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Home telephone numbers will be used by the Department of Commerce staff to contact NBS employees or individuals using NBS facilities in the case of an emergency (e.g., fire, explosion, power outage, heavy snow). Those contacted will typically be scientists or engineers whose experiments might be affected by such an emergency or other employees who will be required to deal with the emergency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine-readable.

RETRIEVABILITY:

Building and room number; organizational code.

SAFEGUARDS:

Paper records will be kept in lockable file cabinets with limited access; machine-readable records will have limited access with security key required.

RETENTION AND DISPOSAL:

Records will be updated every 6 months or more frequently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Facilities Services Division, Office of the Director of Administrative and Information Systems, NBS, Washington, D.C. 20234; Staff Services Officer, Boulder Executive Office, Radio Building, Room 4011, NBS, Boulder, Colorado 80303.

NOTIFICATION PROCEDURE:

Information may be obtained from: Deputy Director of Administration, Room A1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and building location or organizational unit.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and for appealing initial determinations by the individual concerned appear at 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and those authorized by the individual to furnish information.

COMMERCE/NOAA-1

SYSTEM NAME:

Applicants for the NOAA Corps—Commerce/NOAA-1.

SYSTEM LOCATION:

Office of the Director, NOAA Corps, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for appointment in the NOAA Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, letters of reference, physical examinations, college transcripts, statements of prior military service, recruiting officer's appraisal, personal resumes, and similar data necessary to be considered for a commission in the NOAA Corps.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

33 U.S.C. 853i; 853j; 853j-1; 853t; 854; 854a-1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of Prefatory Statement. General routine use #12 does not apply. Also to respond to the applicant, Members of Congress, or others with a valid interest who may inquire as to the status of the application or who may request reconsideration of a rejected application.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in secured room. Access only on the authority of the Director, NOAA Corps or the Chief/Deputy Chief, Commissioned Personnel Division.

RETENTION AND DISPOSAL:

Destroyed after approximately six months if rejected, unless applicant indicates a desire for reconsideration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NOAA Corps, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, address, social secuirty number, and date of birth, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals, personal references, the NOAA Corps officer who recruited the individual, and those authorized by the individual to furnish information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine applicant's suitability for employment in the NOAA Corps.

COMMERCE/NOAA-2

SYSTEM NAME:

Commissioned Officers Official Travel Orders Folders—COMMERCE/NOAA–2.

SYSTEM AND LOCATION:

Office of the Director, NOAA Corps, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers of the NOAA Corps (active, retired, and deceased) and former officers separated within previous six months.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, grade, social security number, estimated travel cost, dates of transfer, assignment locations, and type of duty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C.; 33 U.S.C. 857–5, 857a, 855

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of the Prefactory Statement. General Routine uses #6 and #12 do not apply. Also the record is sent to the organization to which officer is assigned such as branches of the U.S. Military service, branches of foreign military services, World Weather Organization, etc., to authorize travel and travel allowances and to effect assignments and assignment changes for commissioned officers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in a locked space. Access only on the authority of the Director, NOAA Corps, or the Chief/Deputy Chief, Commissioned Personnel Division.

RETENTION AND DISPOSAL:

Retained as separate file on all active duty officers. Incorporated into the Official Personnel File of retired and deceased officers and retained. Incorporated into the Official Personnel File of separated officers and after six months transferred to the National Personnel Records Center, St. Louis, Missouri 63118.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NOAA Corps, see above address.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide full name, social security number, date of birth, and dates of service, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual's Official Personnel Record and from the approved recommendations of the Officer Assignment Board.

COMMERCE/NOAA-3

SYSTEM NAME:

Commissioned Officer Official Personnel Folders—COMMERCE/NOAA–3.

SYSTEM LOCATION:

Office of the Director, NOAA Corps (NC), National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned Officers of the NOAA Corps (active, retired, and deceased) and former commissioned officers separated within previous six months.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number; selective service number; promotion history; history of assignments; performance evaluations; date of birth; education; prior employment history; prior uniformed service; pay and allowance data; relatives; references; commendations; discipline; insurance; medical evaluations; and similar personal information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

33 U.S.C. 853a–t, 854a–a–2, 855, 856, 857, 857–1–5, 857a, 858, 864, 865, 872, 873, 874, 875, 876; 5 U.S.C. 301; 28 U.S.C. 533–535; 44 U.S.C. 3101; and, E.O. 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of the Prefactory Statement. Users are Selective Service System, Veterans Administration, Federal Housing Administration, Social Security Administration, Public Health Service, Department of Defense elements, Taxing authorities (Federal, State and local), unemployment compensation authorities, and the organization to which officer is assigned such as branches of U.S. Military Service, branches of foreign military services, World Weather Organizations, etc. Selected information is disseminated to determined eligibility for retention, promotion, retirement, separation, and other personnel actions; physical fitness; entitlement to pay and various allowances; report taxes withheld; entitlement to social security benefits, Veterans benefits, unemployment compensation, waivers for repayment of student loans, death benefits, survivor benefits, and FHA in-service loans; assignments; and selective service status.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING , AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, (selected data elements in this system are duplicated on word processing equipment for ease of retrieval).

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in secured area. Access only on the authority of the Director, NOAA corps or the Chief/Deputy Chief, Commissioned Personnel Division.

RETENTION AND DISPOSAL:

Records retained indefinitely on active, retired, and deceased officers; discharged officer's records are retained for approximately 6 months, then transferred to the National Personnel Records Center St. Louis, Missouri 63118.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NOAA Corps, see above address.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, address, social security number, and date of birth pursuant to the inquire provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individuals concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, official correspondence and forms generated by routine personnel actions, previous employers, prior military service, Selective Service System, Federal Housing Administration, Social Security Administration, and similar sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5), is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine employee's suitability for employment in the NOAA Corps.

COMMERCE/NOAA–4

SYSTEM NAME:

Commissioned Officers Retired Payroll—COMMERCE/NOAA–4.

SYSTEM LOCATION:

Office of the Director, NOAA Corps, NOAA, Rockville, Md. 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers of the NOAA Corps who are entitled to retired pay, and the survivors of deceased active duty and retired officers who are entitled to a survivor's annuity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number; amount of gross retired pay or survival annuity; amount of federal income tax withheld; amount of VA reduction; amount of survivor benefit cost deducted; miscellaneous deductions; and net retired pay or annuity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

33 U.S.C. 853a–h; 853j–1–t; 854a–2; 856; 857–2; 857–5; 872; 873. Authorities for Payroll Records: 5 U.S.C. 301; 552; Chap. 55; 31 U.S.C. 550; 628; 31 U.S.C. 52; 15 U.S.C. 1511; 37 U.S.C. 201 (Pay for Commissioned Officers); 5 App. Reorg. Plan No. 4 of 1970.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs of Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual, flat-paper computer print-out.

RETRIEVABILITY:

Filed by month and year.

SAFEGUARDS:

Records are maintained in a secured area. Access only by authority of the Director, NOAA Corps or the Chief, Program Planning, Liaison and Training Division.

RETENTION AND DISPOSAL:

Retained 3 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, NOAA Corps, see above address.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide full name, grade, social security number and branch of service pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Information is a print-out from the computerized retired pay system maintained by the Commanding Officer, U.S. Navy Finance Center, 240 East Ninth Street, Cleveland, Ohio 44199, who maintains, under contract, the pay accounts of retired NOAA Corps officers and their annuitants.

COMMERCE/NOAA-5

SYSTEM NAME:

Fisheries Law Enforcement Case Files—COMMERCE/NOAA-5

SYSTEM LOCATION:

Enforcement Division, NMFS, 3300 Whitehaven Street NW., National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington D.C. 20235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Violators and alleged violators of the criminal and/or civil provisions of certain laws (listed in the Authority section of this notice) and the regulations issued thereunder, within the responsibility of the Secretary of Commerce.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Information compiled for the purpose of identifying individual criminal and/or civil offenders and alleged offenders and consisting of identifying data and notations of arrests, the nature and disposition of criminal or civil charges, sentencing, confinement, release, parole and probation status, and fines and penalties assessed;

2. Information compiled for the purpose of a criminal or civil investigation, including reports of informants and investigators, and associated with an identifiable individual;

3. Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal and civil laws from arrest or indictment through release from supervision, and the imposition of civil sanctions through administrative and/or judicial process; and

4. Investigatory material compiled for law enforcement purposes other than the material covered above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Reorganization Plan No. 4 of 1970; 5 U.S.C. 301; 28 U.S.C. 533–535; 44 U.S.C. 3101; E.O. 10450; Certain sections of Titles 15, 16, 18, and 22 of the United States Code; and relevant treaty, international convention, and/or agreements of which there are approximately 20. (Example: International Convention for the Regulation of Whaling (TIAS 1849) cf. 16 U.S.C. 916).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5, 8–10, and 13 of the Prefatory Statement. Also, information is given to the Marine Mammal Commission for their use in making recommendations on the issuance of permits and the award of grants under the Marine Mammal Protection Act of 1972.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Both manual and machine-readable, and computer output records in file folders.

RETRIEVABILITY:

Filed alphabetically by individual's name and is also given an identifying case number at its initiation.

SAFEGUARDS:

Employees are informed of the Departmental rule of conduct regarding unauthorized disclosure of information contained in official records. All Special Agents receive a security clearance, granted by the Department of Commerce, after an investigation. The files of the Law Enforcement Division which relate to information concerning an identifiable individual are maintained in locked, metal file cabinets. Automated records are maintained in premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

All records of this Division are subject to the retention and disposal procedures set forth in NOAA Directives Manual 62–10, et seq.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Enforcement Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 3300 Whitehaven Street, NW., Page Building 2, Suite 426, Washington, D.C. 20235.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, address, and case number pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information; NMFS investigators; Federal and state law enforcement personnel; foreign governments; special interest organizations, members of the general public, and all information sources that are open to the public-at-large.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b), (c)(1) and (2), (e)(4(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and pursuant to 5 U.S.C. 552a(k)(2), on condition that the 5 U.S.C. 552a(j)(2) exemption is held to be invalid, all investigatory material in the record which meet the criteria stated in 5 U.S.C. 552a(k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources,

to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. In addition, pursuant to 5 U.S.C. 552a(k)(1), all materials qualifying for this exemption are exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) in order to prevent disclosure of classified information as required by Executive Order 12065 in the interest of the national defense and foreign policy.

COMMERCE/NOAA-6

SYSTEM NAME:

Fishermen's Statistical Data—COMMERCE/NOAA-6.

SYSTEM LOCATION:

Data Management and Information Systems Division, NMFS, NOAA, U.S. Department of Commerce, 3300 Whitehaven Street, NW., Washington, D.C. 20235; and the following field locations of the National Marine Fisheries Services:

Northeast Fisheries Center, Woods Hole, Massachusetts 02543
Southeast Fisheries Center, 75 Virginia Beach Drive, Miama, Florida 33149
Southwest Fisheries Center, P.O. Box 271, LaJolla, California 92038
Northwest and Alaska Fisheries Center, 2725 Montlake Boulevard, East, Seattle, Washington 98112
Northeast Regional Office, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930
Southeast Regional Office, 9450 Gandy Boulevard, St. Petersburg, Florida 33702
Southwest Regional Office, 300 South Ferry Street, Terminal Island, California 90731
Northwest Regional Office, 1700 Westlake Avenue, North, Seattle, Washington 98105
Alaska Regional Office, P.O. Box 1668, Juneau, Alaska 99802

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine recreational and commercial fishermen, owners/operators of registered/documented boats and vessels.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. Marine recreational fishermen catches by species, length, weight, area of capture, disposition of catch, and expenses and other trip records.

b. Fishery Management Plan data consist of such data as: Individual's name, address, telephone number, sex, age group, and income group, obtained in fishing censuses. Other data contain boat and vessel registration information, including owner and operator, vessel characteristics, gear types, and area fished.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. Fish and Wildlife Act as amended (16 U.S.C. 742 et seq.). b. Fishery Conservation and Management Act of 1976 as amended (16 U.S.C. 1852).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. See routine use paragraphs 1–5, 9, and 12 of the Prefatory Statement.

b. Data in the system are required for the development and monitoring of fishery management plans.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy, punch cards, mag-tape, and disc files.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Personnel indoctrination and screening; secured offices; and entrance into the computer system to obtain individual records would require detailed knowledge of in-house ADP procedures by a skilled computer programer.

RETENTION AND DISPOSAL:

Records are permanently maintained.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, National Marine Fisheries Service, 3300 Whitehaven Street, Washington, D.C. 20235.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals.

COMMERCE/NOAA-7

SYSTEM NAME:

Guest Workers at National Geophysical and Solar-Terrestrial Data Center—COMMERCE/NOAA-7.

SYSTEM LOCATION:

National Geophysical and Solar-Terrestrial Data Center, EDS/NOAA, RB3, Room A123, Boulder, Colorado 80302.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

People that are visiting NGSDC as Guest Workers to use the data files.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; length of visit; type of work they are doing; and education.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 44 U.S.C. 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5, 9, and 12 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in metal file cabinets which are locked after hours. Access is limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, NGSDC, see above address.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, NOAA, 6010 Executive Blvd., Rockville, Maryland 20852. Requester should provide name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information.

COMMERCE/NOAA-8

SYSTEM NAME:

Individuals Engaged in Weather Modification Activities—COMMERCE/NOAA-8.

SYSTEM LOCATION:

Assistant Administrator for Research and Development, NOAA, U.S. Department of Commerce, 6010 Executive Blvd., Rockville, Md. 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and associations involved in weather modification operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name and address; type of weather modification activity; location and duration of project; and equipment used.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

P.L. 92-205; 15 CFR Part 908.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs in the Prefatory Statement. Also information is made available to anyone who so requests.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed sequentially by chronology.

SAFEGUARDS:

Records are located in cabinets with full public access upon request.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Director, Office of Weather Modification, see above address.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide—name, address, date(s) of project etc., pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual or association involved and those authorized by the foregoing to furnish information.

COMMERCE/NOAA-9

SYSTEM NAME:

Scientist-Researchers in GATE (Global Atmospheric Research Program Atlantic Tropical Experiment)—COMMERCE/NOAA-9.

SYSTEM LOCATION:

Assistant Administrator for Research and Development, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research meteorologists and ocean scientists participating in the Global Atmospheric Research Program Atlantic Tropical Experiment (GATE).

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individual scientists; their research institutions and research programs; and their addresses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Ministerial requirement necessitated by NOAA's appointment, as lead agency for the U.S. participation in "GATE"; Presidential memorandum dated July 5, 1968 to DOC; 5 U.S.C. 301; and 44 U.S.C 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1-5, 9, 12, and 13 of the Prefatory Statement. Data is also used to summarize and evaluate the U.S. GATE Research Program for the World Meteorological Organization in cooperation into the International summary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Indexed by name of principal scientist.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secure premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, GATE Project Office, see above address.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, NOAA, 6010 Executive Blvd., Rockville, Maryland 20852. Requester should provide—name and address, etc., pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information.

COMMERCE/NOAA-10

SYSTEM NAME:

NOAA Diving Program File—COMMERCE/NOAA-10.

SYSTEM LOCATION:

a. NOAA Diving Office, 11400 Rockville Pike, Rockville, Maryland 20852.

b. For Atlantic Marine Center personnel, duplicate records are maintained at the Atlantic Marine Center, 439 West York Street, Norfolk, Virginia 23510.

c. For Pacific Marine Center personnel, duplicate records are maintained at the Pacific Marine Center.

1801 Fairview Avenue, East, Seattle, Washington 98102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for the diving program and NOAA employees who are NOAA certified Divers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Diving physical examinations, verification of completed scuba instruction, NOAA scuba diving written examination, diver resume, diver evaluations, letters of certification and/or appointment, monthly diving logs, individual correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 16 U.S.C. 1432; 33 U.S.C. 1441, 1442.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs numbered 1 through 6, 8 through 10, and 12 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine readable.

RETRIEVABILITY:

Alphabetically by surname.

SAFEGUARDS:

Records are located in locked metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Five years after termination of diver.

SYSTEM MANAGER(S) AND ADDRESS:

For records at location a.: NOAA Diving Coordinator, 6001 Executive Boulevard, Rockville, Maryland 20852.

For records at location b.: CAM Diving Officer, Atlantic Marine Center, 439 W. York Street, Norfolk, Virginia 23510.

For records at location c.: Budget and Finance Officer, Pacific Marine Center, 1801 Fairview Avenue, East, Seattle, Washington 98102.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard Rockville, Maryland 20852. Requestor should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, the Unit Diving Officer, training officers and NOAA Diving Medical Review Board.

COMMERCE/NOAA-11

SYSTEM NAME:

NOAA Mailing Lists—COMMERCE/NOAA-11

SYSTEM LOCATION:

Mailing lists are maintained at numerous NOAA installations throughout the United States. Addresses of major installations where there are mailing lists are:

Office of Publications, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Headquarters:

Assistant Administrator for Management and Budget, 6010 Executive Boulevard, Rockville, Maryland 20852.

Director, Office of Finance, North Bethesda Office Center, 11420 Rockville Pike, Rockville, Maryland 20852.

Assistant Administrator for Fisheries:

Assistant Administrator for Fisheries, Office of Fisheries, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

Director, Northwest Region, National Marine Fisheries Service, NOAA, 1700 Westlake Avenue North, Seattle, Washington, 98109.

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Director, Northeast Region, National Marine Fisheries Service, NOAA, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Director, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, California 90731.

Director, Alaska Region, National Marine Fisheries Service, NOAA, P.O. Box 1668, Juneau, Alaska 99802.

Chief, Resource Statistics Division, National Marine Fisheries Service, NOAA, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

Chief, Scientific Publications Office, National Marine Fisheries Service, NOAA, 1107 Northeast 45th Street, Seattle, Washington 98105.

Director, Northeast Fisheries Center, NOAA, Woods Hole, Massachusetts 02543.

Director, Southwest Fisheries Center, NOAA, P.O. Box 271, LaJolla, California 92038.

Director, Charleston Laboratory, NOAA, P.O. Box 12607, Charleston, S.C. 29412.

Director, Southeast Fisheries Center, NOAA, 75 Virginia Beach Drive, Miami, Florida 33149.

Director, Beaufort Laboratory, NOAA, P.O. Box 570, Beaufort, North Carolina 28516.

National Ocean Survey:

Director, National Ocean Survey, 6001 Executive Boulevard, Rockville, Maryland 20852.

Chief, Distribution Division, NOAA, Riverdale Building, 6501 Lafayette Avenue, Riverdale, Maryland 20840.

Environmental Data and Information Service:

Director, Environmental Data and Information Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

Director, National Climatic Center, Environmental Data and Information Service, Federal Building, Ashville, North Carolina 28801.

Director, National Geophysical and Solar Terrestrial Center, Research Building 3, NOAA, 3100 Marine Street, Boulder, Colorado 80302.

National Earth Satellite Service:

National Earth Satellite Service, National Oceanic and Atmospheric Administration, Federal Building 4, Suitland, Maryland 20233.

A roster of each mailing list covered by the Privacy Act and its specific location is maintained by the system manager, address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of NOAA publications and/or other publicly available programmatic information.

CATEGORIES OF RECORDS IN THE SYSTEM:

All of the lists contain names and addresses. Some of the lists contain telephone numbers, subscription information, addressee's product and its country of origin.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 15 U.S.C. 1512.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs numbered 4, 5, and 9–13 in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine readable.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained indefinitely; however, individuals are advised of the existence of the mailing list annually and at their request, names will be deleted or addresses corrected.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator for Management and Budget, 6010 Executive Boulevard, Rockville, Maryland 20852.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Administrator for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual.

COMMERCE/NOAA–12

SYSTEM NAME:

Marine Mammals, Endangered and Threatened Species, Permits and Exemptions Applicants—COMMERCE/NOAA–12

SYSTEM LOCATION:

Office of Marine Mammal and Endangered Species, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Duplicate portions of the system may be located in the Regional Offices of the National Marine Fisheries Service at:

Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

300 South Ferry Street, Terminal Island, California 90731.

Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109.

P.O. Box 1668, Juneau, Alaska 99801.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for permits to take, import, transport or sell in interstate or foreign commerce endangered species or marine mammals either for scientific research or public display purposes; for enhancement of propagation or enhancement of survival. Applicants for exemptions from the provisions of the Marine Mammal Protection Act of 1972, on the basis of undue economic hardship. Applicants for permits to engage in activities involving threatened species.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address; professional or business affiliation; educational and professional background; other qualifications of the individuals; the activities conducted by an individual as authorized by exemption or by permit; and economic and financial information indicating the degree of anticipated economic hardship.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Endangered Species Act of 1973; 16 U.S.C. 1531–1543 10(a), 10(b), 11(f); Marine Mammal Protection Act of 1972; 16 U.S.C. 1361–1407, and regulations (50 CFR 216.31) promulgated thereunder.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See routine use paragraphs 1–5 and 9–13 of Prefatory Statement. Information from the applications is published in the **Federal Register** and made available to the public to comply with the statutes under which the application is made.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Both manual and machine-readable, and computer output records in file folders.

RETRIEVABILITY:

Filed by file number and cross-referenced alphabetically by applicant names and permit or exemption number.

SAFEGUARDS:

Records are located in cabinets with full public access upon request.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANGAER(S) AND ADDRESS:

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235

NOTIFICATION PROCEDURE:

Information may be obtained from the Assistant Administrator for for Management and Budget, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification procedure section above.

CONTESTING RECORD PROCEDURES:

The rules for access, for contesting contents and appealing initial determination by the individuals concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual applicants; public comments on an application; reviews by NMFS Offices and, in the case of marine mammals, the Marine Mammal Commission; reports from Federal agents and observers on activities conducted under permit authority; and those authorized by the individual to provide the information.

COMMERCE/NOAA–13

SYSTEM NAME:

Personnel, Payroll, Travel, and Attendance Records of the Regional

Fishery Management Councils—COMMERCE NOAA–13.

SYSTEM LOCATION:

New England Fishery Management Council, Office of the Executive Director, Suntaug Office Park, Five Broadway—Route One, Saugus, Massachusetts 01906.
Mid-Atlantic Fishery Management Council, Office of the Executive Director, Federal Building, Room 2115, North and New Streets, Dover, Delaware 19901.
South Atlantic Fishery Management Council, Office of the Executive Director, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, South Carolina 29407.
Caribbean Fishery Management Council, Office of the Executive Director, Suite 806, Banco de Ponce Building, (Postal Address), P.O. Box 1001, Hato Rey, Puerto Rico.
Gulf of Mexico Fishery Management Council, Office fo the Executive Director, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.
Pacific Fishery Management Council, Office of the Executive Director, 528 S.W. Mill Street, Portland, Oregon 97201.
North Pacific Fishery Management Council, Office of the Executive Director, Suite 32, 333 West Fourth Avenue, (Postal Address), P.O. Box 3136DT, Anchorage, Alaska 99501.
Western Pacific Fishery Management Council, Office of the Executive Director, Room 1506, 1164 Bishop Street, Honolulu, Hawaii 96813.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of each Regional Fishery Management Council, members of each Council's Scientific and Statistical Committee, members of each Council's Advisory Panel; each Council's staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

a. Personnel information including but not limited to name, birthdate, social security number, employment history, education and training, personnel actions and performance appraisals, records relating to life insurance, health benefits, and designation of beneficiary, medical records.

b. Payroll information including but not limited to marital status, mailing address, number of dependents, allotments and deductions for income tax withholding, savings bonds, charity contributions, and insurance premiums.

c. Travel orders and vouchers including data such as destination, itinerary, mode and purpose of travel, expense incurred.

d. Time and attendance data including number of regular, overtime holiday, Sunday, and other hours worked; number of hours on leave (sick, annual, holiday, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Fishery Conservation and Management Act of 1976 (P.L. 94–265, 16 U.S.C. 1852).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used as indicated below:

a. See routine use paragraphs in Prefatory Statement 1–5, 9, 12 and 13 in Prefatory Statement.

b. When an individual to whom a record pertains dies, information in the individual's record may be disclosed to the person appointed as representative of the estate, to the person designated by the representative, or to a designated bedeficiary. When a representative of the estate has not been appointed, the next of kin may be recognized as the representative of the estate.

c. Information may be disclosed to authorize payroll deductions for allotments, savings bonds, charitable contributions, union dues, health benefits and life insurance; collect indebtedness for overpayment of salary and unpaid internal revenue taxes; pay income tax obligations to the Internal Revenue Service and state and local tax authorities, as appropriate; authorize mailing or holding salary checks or savings bonds; authorize issuing of salary checks by the Treasury Department; obtain reimbursement of travel expenses for official business; report gross wages and separation information for unemployment compensation; pay any uncollected compensation due a deceased employee;and provide for a summary of employees payroll data and retirement contributions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and magnetic storage media.

RETRIEVABILITY:

Alphabetically by name, or by social security number.

SAFEGUARDS:

Physical, technical, and administrative sedcurity is maintained, with all storage equipment and/or rooms locked when not in use. Admittance is restricted to authorized personnel only. All payroll personnel, computer operators and programmers are instructed and cautioned on the confidentiality of the records.

RETENTION AND DISPOSAL:

Retained on site until after GAO audit, then either disposed of or transferred to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

SYSTEM MANAGER(S) AND ADDRESS:

The Executive Director of each Council; address as shown under system location above.

NOTIFICATION PROCEDURE:

Information may be obtained from: The Executive Director of the appropriate Regional Fishery Management Council or the Assistant Administrator for Management and Budget, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and other identifying information pursuant to the inquiry provisions ofthe Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals, those authorized by the individual to furnish information; employee's supervior; timekeepers.

COMMERCE/NTIA–1

SYSTEM NAME:

Radio Spectrum Management Career Development Program—COMMERCE/NTIA–1.

SYSTEM LOCATION:

National Telecommunications and Information Administration, 1325 G Street, N.W., Washington, D.C. 20005 (paper); and 179 Admiral Cochrane Drive, Annapolis, Maryland 21401 (magnetic disc).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for spectrum management career training; persons trained or training in the program; persons

employed in the Federal spectrum management field, or seeking employment therein, who register with the program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee Career Appraisals; Career Program Qualification Records and Supplements thereto; Career Plans; Personal Qualification Statements; Federal Employment Application. These records contain information about an individual and his skills and qualifications for training which typically includes, but is not limited to, name, address, date of birth, Social Security Account Number, education, military experience, present position, employment history, performance evaluations, and career goals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 305, Executive Order 12046 and Reorganization Plan No. 1 of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to participating Federal agencies upon their request in connection with the selection of candidates for training, the evaluation of trainees, and in the administration of the training program. Information is disclosed to other Federal agencies upon their request in connection with the availability of trained spectrum managers for employment. Routine uses #1–5 and #8–13 of the Prefatory Statement also apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Stored alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Unless updated, documents are disposed of after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Coordinator, Radio Spectrum Management Career Development Program, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504.

NOTIFICATION PROCEDURE:

Information may be obtained from: Privacy Officer, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C. 20504. Requestor should provide his or her full name.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Same address as stated in the Notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use address in Notification section, above.

RECORD SOURCE CATEGORIES:

Applicants for spectrum management career training; trainees in the program; instructors and other officials conducting the program; Federal government employees in the spectrum management field, and persons desiring such employment, who register with the program, their supervisors, and other officials of the agencies that employ them.

COMMERCE/NTIS–1

SYSTEM NAME:

Individuals Interested in NTIS Publications, Shipped Order Addresses, Customer Account Records, and Subscriber Files—COMMERCE/NTIS–1.

SYSTEM LOCATION:

(Automated Data Processing Division & Document Distribution and Reproduction Division,) OFFICE OF COMPUTER AND COMMUNICATIONS SERVICE AND DOCUMENT SERVICES DIVISION, NTIS, 5285 Port Royal Road, Springfield, Va. 22161.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who order and/or purchase products and services from NTIS and all individuals who have requested (that they be placed on the NTIS promotional mailing list) NTIS PROMOTIONAL LITERATURE.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; items ordered; items sent; amount of purchases, date order received; date order mailed; NTIS deposit account or customer code number; total charge to date; whether acount collectible or not; categories of publications ordered by each purchaser; when subscription expired; amount on deposit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 1151–57; 41 U.S.C. 104, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records maintained in the system are disclosed to NTIS sales agents; and to individuals, organizations, Federal agencies, and State and local governments contributing publications to NTIS for their market research and sales accounting purposes, through the mechanism of providing them the names and addresses of individuals (and others) who have purchased their publications. Also see general routine uses (#1 through 6, #8 through 10, and #12 of Prefatory Statement noticed in the **Federal Register** on October 2, 1975 (40 FR 45635), and amended on November 7, 1975 (40 FR 52074) and August 17, 1976 (41 FR 34805), #4, #5, #9 and #13 OF PREFATORY STATEMENT.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, film files, magnetic tape and disc files.

RETRIEVABILITY:

Filed by individual identifier such as deposit account number or credit card account number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal tape vaults in secured rooms or premises with access limited to those whose official duties require access. THE DATA CAN ALSO BE OBTAINED AT IN-HOUSE COMPUTER TERMINALS USED BY THOSE WHOSE OFFICIAL NTIS DUTIES REQUIRE ACCESS.

RETENTION AND DISPOSAL:

Records are updated regularly and maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, (Automated Data Processing Division) OFFICE OF COMPUTER AND COMMUNICATIONS SERVICES, NTIS, (5285 Port Royal Road,) Springfield, Va. 22161.

NOTIFICATION PROCEDURE:

Information may be obtained from: Associate Director for Financial and Administrative Management, NTIS, ((Sills Building,)) Springfield, Va. 22161. Requester should provide name and address in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and NTIS transaction files.

COMMERCE/NTIS-2

SYSTEM NAME:

Employee Daily Time and Production Reports—COMMERCE/NTIS-2.

SYSTEM LOCATION:

Reports and Analysis Division, National Technical Information Service, Springfield, Va. 22161, and individual NTIS supervisors and managers with respect to employees supervised and programs managed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former NTIS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; social security number; organization unit; duty hours and work units processed by day and accounting project; time in duty status; time on leave; work volumes completed by individuals and by work unit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 1151–57, 1525–27, 31 U.S.C. 66a; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system are not disclosed as a routine use to individuals or parties outside the U.S. Department of Commerce.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and magnetic tape and disc files.

RETRIEVABILITY:

By name and/or employee social security number.

SAFEGUARDS:

Records are located in lockable metal file cabinets, desks or secured in the Office of Computer and Communications Services with access limited to those whose specific duties require access.

RETENTION AND DISPOSAL:

Records held by individual managers and supervisors are destroyed after not more than one year; records at other system locations are retained until after GAO audit, or not longer than three years, and then transferred to GSA for disposal.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Reports and Analysis Division, National Technical Information Service, Springfield, Va. 22161.

NOTIFICATION PROCEDURES:

Information may be obtained from Associate Director for Financial and Administrative Management, National Technical Information Service, Springfield, Virginia 22161. Requester should provide name, social security number and time of employment pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals; NTIS timekeeper, supervisors and managers.

COMMERCE/PAT-TM-1

SYSTEM NAME:

Attorneys and Agents Registered to Practice Before the Office—COMMERCE/PAT-TM-1.

SYSTEM LOCATION:

Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202, and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys and agents who are, or have been, registered to practice before the Patent and Trademark Office in patent cases, and applicants for such registration to practice.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information, personal and professional qualifications, character and fitness reports, undertakings of former examiners, current address, and status information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 31.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine uses #1–5 and #8–13. Also, a public roster of the registered individuals is published periodically, and limited information is disseminated by Committee on Enrollment staff in response to inquiries from members of the public (e.g., potential clients), state bars, and courts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and magnetic storage media.

RETRIEVABILITY:

Filed alphabetically by name or registration number.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Committee on Enrollment, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name, address, and date of application, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b.

RECORD SOURCE CATEGORIES:

Subject individual, references, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-2

SYSTEM NAME:

Complaints, Investigations and Disciplinary Proceedings Relating to Registered Patent Attorneys and Agents—COMMERCE/PAT-TM-2.

SYSTEM LOCATION:

Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys and agents registered to practice before the Patent and Trademark Office in patent cases, and disbarred or suspended attorneys and agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints and information obtained during investigations and quasi-judicial disciplinary proceedings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 32.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses #1–5, #8–10 and #13. Also, dissemination of information concerning the complaint, investigation, or disciplinary proceeding, by the Solicitor's staff, to the complainant, to persons who can reasonably be expected to provide information needed in connection with the complaint, investigation, or disciplinary proceeding, and, upon inquiry, to state bars and courts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and identification data pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals, clients of same, registered attorneys and agents, witnesses in disciplinary proceedings, court opinions, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-3

SYSTEM NAME:

Employee Production Records—COMMERCE/PAT-TM-3

SYSTEM LOCATION:

Office of Management and Organization, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Patent and Trademark Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name and number, position and grade level, time in duty status, time on leave, duty hours distributed by task, receipt date of oldest item in processing queue, beginning and ending balances of work in process, work volumes compiled by organization and in some organizations by individuals, and comparative data on current production compared with earlier periods.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 35 U.S.C. 6.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefactory Statement of General Routine Uses #1–5 and #9–13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder, microfilm and magnetic storage media.

RETRIEVABILITY:

Filed by organizations; cross referenced for access by name.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Management and Organization, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide employee name and number, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, those authorized by the individual to furnish information, and the individual's supervisors.

COMMERCE/PAT-TM-4

SYSTEM NAME:

Government Employee Invention Rights—COMMERCE/PAT-TM-4.

SYSTEM LOCATION:

Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Government employees who are inventors or nongovernment employees who are joint inventors together with a government employee inventor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invention rights questionnaires including information as to the inventor's employment status and his official duties and responsibilities at the time the invention was made, title determinations, appeals to the Commissioner, and petitions for reconsideration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1 and 6, and E.O. 10096, dated January 23, 1950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See prefatory Statement of General Routine Uses #1–5 and #8–13. Also, information is transferred to various Government departments and agencies in connection with determinations made as to respective property rights (or the methods of protection thereof) of Government employees and such departments and agencies in and to inventions made by such employees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name and case number.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Office of Government Employee Inventions, Office of the Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name (and case number, if known) pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual and their employees, and those authorized by the individual to furnish information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), Government Employee Invention Rights records which relate to applications or inventions subject to a secrecy order pursuant to 35 U.S.C. 181 or are otherwise subject to security classification pursuant to E.O. 12065 or the Atomic Energy Act of 1954, are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules, which are published in the Rules Section of this **Federal Register**.

COMMERCE/PAT-TM-5

SYSTEM NAME:

Non-Registered Persons Rendering Assistance to Patent Applicants—COMMERCE/PAT-TM-5.

SYSTEM LOCATION:

Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons other than registered attorneys or agents who have offered or rendered, for payment, various services to inventors, patent applicants and patentees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Declarations of assistance received and other reports or complaints, including names and addresses, of persons rendering services, and information given and used for investigatory and law enforcement purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 33; 5 U.S.C. 301; 28 U.S.C. 533–535; 44 U.S.C. 3101; and E.O. 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Providing notice to patent applicants, by Solicitor's staff, regarding whether or not the persons from whom assistance was received are registered to practice before the Office. Used by Solicitor's Staff for investigative purposes. Also, see Prefatory Statement of General Routine Uses #1–5, #8–10 and #13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and address, and name of patent applicants, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Patent applicants who have received and paid for services by the individuals on whom the records are maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(2), all investigatory materials in the record which meet the criteria in 5 U.S.C. 552a(k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e), (1), (e)(4)(G), (H), and (I), and (f)), of the agency regulations because of the necessity to exempt this information and material in order to accomplish the law enforcement function of the agency, to prevent subjects of investigations from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/PAT-TM-6

SYSTEM NAME:

Parties Involved in Patent Interference Proceedings—COMMERCE/PAT-TM-6.

SYSTEM LOCATION:

Board of Patent Interferences, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for patent and patentees who become involved in a conflict involving the question of priority of invention.

CATEGORIES OF RECORDS IN THE SYSTEM:

All records relating to the delcaration, conduct, and termination of interference proceedings, including, but not limited to: preliminary statements, motions, testimony and settlement agreements. The data contained in the records may include information relating to the applicant's or patentee's name, age, citizenship, residence, educational and work background, physical and mental health, activities relating to conception and reduction to practice of the contested subject matter, and other matters which may arise during the conduct of the interference proceeding or in connection with any agreements made by the parties relative to the interference proceeding.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, 23, 24, and 135.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records relating to interferences which involve a patent are open to public inspection after an award of priority by the Board of Patent Interferences as to all parties, or, if none, after termination of the interference. Records relating to interferences which do not involve a patent are open to public inspection after the interference has terminated and one of the applications involved has issued a patent. Otherwise, information concerning these records is provided outside the Office only upon authorization of the applicants or owners of the applications or patents involved, or when necessary to carry out the provisions of any act of Congress or in such special circumstances as may be determined by the Commissioner. Copies of settlement agreements filed under 35 USC 135(c) are kept separate from other interference records if the party filing them so requests, and are made available, as provided in the statute, only to Government agencies on written request or to any person on a showing of good cause. Also see routine use paragraphs of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by Interference Number, cross-indexed to the names of the parties.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Board of patent Interferences, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and address, and Interference Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Applicants for patent and patentees, the patent attorneys or agents authorized by such persons to represent them, those authorized by the applicant to furnish information, and witnessess and other parties involved in the taking of testimony.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), Patent Interference Proceedings records which relate to applications subject to a secrecy order pursuant to 35 U.S.C. 181 or are otherwise subject to security classification pursuant to E.O. 12065 or the Atomic Energy Act of 1954, are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules, which appear in 15 CFR Part 4b.

COMMERCE-PAT-TM-7

SYSTEM NAME:

Patent Application Files—COMMERCE/PAT-TM-7 (Note: This notice is broken down, where indicated, into three subsystems relating to the status of the files: a. Pending; b. Abandoned; and c. Patented.)

SYSTEM LOCATION:

a. U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; National Underground Storage, Boyers, Pa. 16020; Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va.

22202; and Customer Services Division, U.S. Department of Commerce, Washington, D.C. 20230; b. Abandoned Files Unit, Office Services Division, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; c. Record Branch, Patent Search Division, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of Automatic Data Processing Management, Computer Center, U.S. Department of Commerce, Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for patent, including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Oath or declaration of applicant including name, citizenship, residence, post office address and other information pertaining to the applicant's activities in connection with the invention for which a patent is sought. Statements containing various kind of information with respect to inventors who are deceased or incapacitated, or who are unavailable or unwilling to make application for patent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 115; 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Information concerning these records is provided outside the Office only upon authorization of the applicant or owner of the application or when necessary to carry out the provisions of any act of Congress or in such special circumstances as may be determined by the Commissioner, e.g. files referred for secrecy order determination under 35 U.S.C. 181. b. Same as a., except where application is referred to in a U.S. Patent, in which case the record is open to public inspection. c. Records are open to public inspection.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

All three subsystems are also subject to the routine use paragraphs No. 1–5 and No. 8–13 of the Prefatory Statement.

STORAGE:

Paper records in file folders, microfilm and magnetic storage media.

RETRIEVABILITY:

Subsystems a. and b. filed by serial number, cross-indexed to name of applicant. Subsystem c. filed by patent number, cross-indexed to name of applicant.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

a. Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231; b. Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231; c. Director, Office of Patent and Trademark Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name of applicant or patentee and Serial Number or Patent Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to; same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appears in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

The inventors or other persons who submit applications for patent and the patent attorneys or agents authorized by such inventor or other persons to represent them.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), Patent Applications, to the extent that they are subject to a secrecy order pursuant to 35 U.S.C. section 181 or are otherwise subject to security classification pursuant to E.O. 12065 or the Atomic Energy Act of 1954 are exempted from the notification, access and content requirements of the agency procedures (under 5 U.S.C. 552([c](3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-8

SYSTEM NAME:

Patent Application Secrecy Order Files—COMMERCE/PAT-TM-8.

SYSTEM LOCATION:

Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identification of patent application and applicant including application serial number, filing date, title of invention, applicant's or inventor's address and addresses of applicant's duly appointed representatives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 181 through 183.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral to authorized Government agencies under 35 U.S.C. 181 for determination of the requirement for a secrecy order, and notification of the applicant or his duly appointed representative of such secrecy order. Also, see Prefatory Statement of General Routine Uses #1–5, #8–10, and #13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by application serial number, cross-indexed to name of applicant.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained, and stored in a locked vault.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Patent Examining Group 220, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and social security or Patent Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject applicants or their representatives and authorized representatives of the Department of Energy, the Secretary of Defense, and the Chief Officer of any other department or agency of the Government designated by the President as a defense agency of the United States.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), these records, since they relate to determinations pertinent to secrecy orders pursuant to 35 U.S.C. 181 or to security classification pursuant to E.O. 12065 or the Atomic Energy Act of 1954 are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-9

SYSTEM NAME:

Patent Assignment Records—COMMERCE/PAT-TM-9.

SYSTEM LOCATION:

Office of Patent and Trademark Services, Assignment Division, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202; Patent Examining Operation Group 220, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have given or received property rights under an application for patent or a patent by means of a written instrument recorded in the Patent and Trademark Office. Deceased or incapacitated inventors and their legal representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Assignments, grants, mortgages, liens, encumbrances, licenses, and other instruments affecting title. Letters testamentary and other court certificates and orders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 261, and E.O. 9424.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses #1–5 and #8–13. Statement. Records open to the public are searched by users for the purpose of determining ownership for other property rights with respect to patents and trademarks. On the separate Government Register, records categorized as "Public" are available for public inspection; those records categorized as "Departmental" are used by duly authorized employees of Government agencies; and those records designated as "Secret" are disclosed only to persons having written authority from the head of the agency submitting the record. Assignment records relating to pending patent applications are maintained in confidence in accordance with 5 U.S.C. 122.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, microfilm reels, index card files and magnetic storage media.

RETRIEVABILITY:

Filed by inventor's name, application serial number, assignee's name, assignor's name, and patent number.

SAFEGUARDS:

Building employs security guards. Records subject to confidence requirements are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Records in the Secret Portion of the Government Register are, additionally, stored in a locked vault. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Recording Officer, Assignment Division, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide assignee's or assignor's name(s) and application serial number, if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Persons who have submitted written instruments to the Patent and Trademark Office for recording.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), assignment records which are designated "Secret" and maintained in the Government Register pursuant to E.O. 9424 are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance with agency rules which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-10

SYSTEM NAME:

Patent Deposit Accounts System—COMMERCE/PAT-TM-10.

SYSTEM LOCATION:

Receipts Control Division, Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registered patent attorneys and agents and other members of the public who maintain deposit accounts to pay the cost of services rendered by the Patent and Trademark Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, account number, and financial transactions with the Office.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 41.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses #1–5, #9–10 and #13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfilm and magnetic storage media.

RETRIEVABILITY:

Filed by name, account number.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and account number in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Request from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-11

SYSTEM NAME:

Patent Examiner Testimony Files—COMMERCE/PAT-TM-11.

SYSTEM LOCATION:

Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees who have testified in person or through deposition in court actions in regard to duties performed while employed by the Patent and Trademark Office, or who have been interviewed to determine whether such testimony will be taken.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, employment status, education, work experience, and other matters which might be raised in the course of a deposition or other testimony.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1 and 6; 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses #1–5 and #9–13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy.

RETRIEVABILITY:

Filed alphabetically by name.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and date(s) of testimony or interview, if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual, the individual's co-workers, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-12

SYSTEM NAME:

Patent Subscription Service System—COMMERCE/PAT-TM-12

SYSTEM LOCATION:

U.S. Patent and Trademark Office, Office of Patent and Trademark Services, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals subscribing to copies of patents, trademarks, designs, defensive publications, and related publications issued in certain classes or subclasses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of subscriber, Deposit Account Number, address, classes or subclasses subscribed to, total number of subclasses subscribed to; and initial payment per year. Weekly listings of patent, trademark, design, defensive publication, and related publication numbers for each subscription order.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 41; 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses #4–5, #9–10 and #13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On magnetic tape and computer printout.

RETRIEVABILITY:

Subscriber's name and account number.

SAFEGUARDS:

Maintained in areas accessible only to authorized personnel in building protected by security guards nonbusiness hours.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Office of Patent and Trademark Services U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and Deposit Account Number in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals and those authorized by the individual to furnish information.

COMMERCE/PAT–TM–13

SYSTEM NAME:

Petitioners for License to File for Foreign Patents—COMMERCE/PAT–TM–13.

SYSTEM LOCATION:

Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of ADP Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Petitioners for license to file a patent application in any foreign country.

CATEGORIES OF RECORDS IN THE SYSTEM:

Petitioner's name, address, and description of subject matter, or, where a corresponding U.S. application has been filed, identification of applicant, application serial number, filing date, title to invention, applicant's address and addresses of applicant's duly appointed representatives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 1, 6, and 184.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses #1–5, #8–10 and #13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy and magnetic storage media.

RETRIEVABILITY:

By number assigned called P number and by serial number related to P number when additional matter is submitted in connection with a corresponding U.S. application, cross-indexed to petitioner's name.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

RETENTION AND DISPOSAL:

Records retention and disposal is in accordance with the unit's Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Patent Examining Group 220, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and serial number or P number, if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individuals or their duly appointed representatives.

COMMERCE/PAT–TM–14

SYSTEM NAME:

Users of Public Search Room of the Patent and Trademark Office—COMMERCE/PAT–TM–14.

SYSTEM LOCATION:

Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees other than employees of the Patent and Trademark Office; employees and other representatives of commercial firms offering patent search services to the public; registered agents before the Patent and Trademark Office; and any

member of the general public who uses the search room.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; home address; business firm or other organizations with which affiliated, as appropriate; user pass number; registration number, if a registered agent before the Patent and Trademark Office; violations of regulations governing use of the search room; and the signature of recipients of user passes, indicating that the recipient has read the regulations governing the use of the search room.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to law enforcement authorities, employers of violators of regulations governing use of the search room, and organizations with which recipients of user passes claim affiliation. Information such as home address or business affiliation, on individuals who have removed, with proper authority, patent documents from the search room but have failed to return such documents, may be used in retrieving such documents. Also, see Prefatory Statement of General Routine Uses #1–5 and #9–13.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by name and sequentially by user pass number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained pursuant to Records Control Schedule, with periodic updating or posting of information, when appropriate and necessary.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Patent and Trademark Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

NOTIFICATION PROCEDURE:

Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and address and date of visit to the search room, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

RECORD SOURCE CATEGORIES:

Subject individual; employers; and those authorized by individual.

COMMERCE/WBO–1

SYSTEM NAME:

Talent and Experience File of Women's Business Experts—COMMERCE/WBO–1.

SYSTEM LOCATION:

Office of Administrative Services, U.S. Department of Commerce, 14th & E Streets and Constitution Avenue, N.W., Washington, D.C. 20230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals: with whom the Task Force communicated; having knowledge of women's business operations, problems and discriminations; or having special skills which would be of assistance to the Task Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal background data normally including name, age, address, telephone numbers, Social Security number, business and work experience, educational background, professional association memberships, publications and information on areas of expertise.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 15 U.S.C. 1512; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to other Federal agencies upon their request to provide names and addresses of individuals who possess special skills or expertise related to the problems of women business owners. General routine uses 4, 5, 9, and 13 in the Prefatory Statement also apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by individual's name.

SAFEGUARDS:

Records are on premises with access limited to individuals whose official duties require access.

RETENTION AND DISPOSAL:

Retained on site for five (5) years and then disposed of in accordance with the Office of the Secretary Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Under Secretary for Regional Affairs, Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressedto: same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Department's rules for access, for contesting contents, and for appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Requests from individuals should be addressed as stated in the notification section above.

RECORD SOURCE CATEGORIES:

Subject individual; those authorized by the individual to furnish information; public reference sources; government, private and public interest organizations./*

[FR Doc 81-37275 Filed 12-30-81; 8:45 am]
BILLING CODE 3510-CW

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