AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

3-17-82
Vol. 47 No. 52
Pages 11495-11640

federal register

Wednesday
March 17, 1982

Notice to agencies

Beginning April 1, 1982, agencies are required to include a list of index terms in rule and proposed rule documents submitted for publication in the Federal Register (1 CFR 18.20. 46 FR 7162, January 22, 1981).

For further information contact: Carol Mahoney, Office of the Federal Register, 523-5266.

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

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

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.

Contents

Federal Register
Vol. 47, No. 52
Wednesday, March 17, 1982

Agricultural Marketing Service
RULES
Milk marketing orders:
11495 Alabama-West Florida

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Statistical Reporting Service.

Air Force Department
NOTICES
Meetings:
11546 Air University Board of Visitors

Animal and Plant Health Inspection Service
RULES
Animal and poultry import restrictions:
11509 Mares from countries affected with CEM; interim

Army Department
See also Engineers Corps.
NOTICES
Meetings:
11547 Medical Research and Development Advisory Committee

Arts and Humanities, National Foundation
NOTICES
Meetings:
11582 Design Arts Advisory Panel
11582 Expansion Arts Advisory Panel

Civil Aeronautics Board
NOTICES
Hearings, etc.:
11543 Former large irregular air service investigation et al. (2 documents)
11543 Midwestern Airlines fitness investigation

Commerce Department
See Minority Business Development Agency; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
NOTICES
11587 Meetings; Sunshine Act

Defense Department
See also Air Force Department; Army Department; Engineers Corps.
NOTICES
Meetings:
11547 Education of Handicapped Dependents National Advisory Panel

Depository Institutions Deregulation Committee
NOTICES
11587 Meetings; Sunshine Act

Drug Enforcement Administration
RULES
Schedules of controlled substances:
11513 Exempt chemical preparations
NOTICES
Registration applications, etc.; controlled substances:
11579 Argon Research Corp.

Economic Regulatory Administration
NOTICES
Crude oil, domestic; allocation program, 1981; entitlement notices:
11549 Publication stay due to litigation

Education Department
NOTICES
Grant applications and proposals; closing dates:
11547 Handicapped children, severely; innovative programs
11548 Interpreters for deaf individuals; training program

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission.

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
11547 Kaw Lake, Arkansas River, Okla.

Environmental Protection Agency
PROPOSED RULES
Air pollution control; new motor vehicles and engines:
11537 Carbon monoxide emission standards; 1981 model year light-duty vehicles; waiver applications; hearing
Air programs; fuel and fuel additives:
11536 Average lead content in gasoline; extension of time and hearing changes, etc.
Water pollution control:
11538 State underground injection control program; Florida; hearing cancelled
11538 State underground injection control program; Idaho; hearing
NOTICES
Air pollution control; steel industry compliance extension applications, etc.:
11563 National Steel Corp.
Air quality criteria:
11561 Ozone and photochemical oxidants; call for information
Motor vehicle fuel economy, evaluation of retrofit devices:
11562 Energy gas saver
Pesticide, food, and feed additive petitions:
11562 Hercules, Inc.
11562 Stauffer Chemical Co.

Farm Credit Administration
PROPOSED RULES
Funding and fiscal affairs, loan policies and operations, etc.:
11536 Debt management and electronic data processing policies, etc.

Farmers Home Administration
RULES
11509 Community facility loan program; planning advances
PROPOSED RULES
11521 Community program loans and grants, servicing

Federal Communications Commission
NOTICES
11587, 11588 Meetings; Sunshine Act (3 documents)

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
11549 Arkansas Louisiana Gas Co.
11550 Burgess, Edward F., et al.
11551 Central Power & Light Co.
11551 Columbia Gulf Transmission Co. et al.
11554 Commonwealth Edison Co.
11554 Cornwall Paper Mills
11554 Dayton Power & Light Co.
11555 Edmondson Hydro Associates
11555 El Paso Natural Gas Co.
11556 Gas Gathering Corp.
11557 Grisdale Hill Co.
11557 Kansas-Nebraska Natural Gas Co., Inc.
11558 Long Lake Energy Corp. (2 documents)
11559 Mustang Fuel Corp.
11559 Natural Gas Pipeline Co. of America
11560 Northwest Alaskan Pipeline Co.
11560 Pacific Offshore Pipeline Co.
11560 United Gas Pipe Line Co.
11561 Western Hydro Electric, Inc.

Federal Reserve System
NOTICES
Applications, etc.:
11563 Bancorp of Mississippi, Inc.
11563 Exchange Financial Corp.
11563 First & Merchants Corp.
11564 First National Bancorp of Rutherford County, Inc.
11564 First National Corp. of Picayune
11564 First State Bancshares, Inc.
11564 Hudson Bancshares, Inc.
11564 Letchworth Independent Bancshares Corp.
11565 National Bancshares, Inc.
11565 Overbrook Bancshares, Inc.
11565 Satanta Bancshares, Inc.
11565 U.S. Bancorp
11565 United Bancorp of Maryland, Inc.
11588 Meetings; Sunshine Act

Fine Arts Commission
NOTICES
11563 Meetings

Fish and Wildlife Service
NOTICES
Endangered Species Convention:
11570 Annual report, 1979; availability; correction

Health and Human Services Department
See Public Health Service; Social Security Administration.

Indian Affairs Bureau
NOTICES
Educational facilities; closures and transfers:
11563 North Dakota, Oklahoma, and Alaska; hearings

Interior Department
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Minerals Management Service; National Park Service.

Internal Revenue Service
RULES
Income taxes:
11515 Thrift institutions; bad debt deduction for joint filings of consolidated returns

International Trade Commission
NOTICES
Import investigations:
11577 Stabilized hull units and components, and sonar units
11578 Ultrafiltration membrance systems and components, including ultrafiltration membranes

Interstate Commerce Commission
RULES
Railroad car service orders; various companies:
11518 Chicago, Rock Island & Pacific Railroad Co.; track use by various railroads
PROPOSED RULES
Accounts, uniform system:
11539 Railroad track structures, accounting; alternative methods
Reports:
11541 Railroads; waybill analysis of transportation of property; data items added and extension of time
NOTICES
Motor carriers:
11570 Agricultural cooperative transportation; filing notices
11572 Charge for shipments moving on order-notify bill of lading; reopening of investigation
11573 Finance applications
11573, 11574 Permanent authority applications (2 documents)
Rail carriers:
11571 Boston & Maine Corp.; contract tariff exemptions
11571 Southern Pacific Transportation Co.; contract tariff exemption
Railroad operation, acquisition, construction, etc.:
11577 Baltimore & Ohio Railroad Co.

Justice Department
See also Drug Enforcement Administration; Juvenile Justice and Delinquency Prevention Office.
RULES
11516 Atomic Weapons and Special Nuclear Materials Rewards Act; implementation

Juvenile Justice and Delinquency Prevention Office
NOTICES
National priority and discretionary program announcements:
11579 Serious and violent juvenile offender research plan; inquiry

Land Management Bureau
RULES
Public land orders:
11517 Alaska; correction
NOTICES
Classification of public lands:
11569 Arizona; correction
Rangeland management policy:
11563 Livestock grazing on public lands
Sale of public lands:
11569 Arizona
Withdrawal and reservation of lands, proposed, etc.:
11569 Oregon

Management and Budget Office
NOTICES
11624 Budget rescissions and deferrals; cumulative report

Metric Board
NOTICES
Voluntary metric conversion plans:
11581 Transportation tariffs, standard reference tables; availability and inquiry

Minerals Management Service
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
11570 Exxon Co., U.S.A.

Minority Business Development Agency
NOTICES
Financial assistance application announcements:
11543 Delaware

National Credit Union Administration
NOTICES
Senior Executive Service:
11581 Performance Review Board; membership

National Oceanic and Atmospheric Administration
RULES
11512 Deep seabed mining; exploration licenses; procedures for pre-enactment explorer applications and new entrant applications; revocation and suspension, etc.
NOTICES
Marine sanctuaries:
11544 Hawaiian waters; active candidate

National Park Service
PROPOSED RULES
11598 General regulations; public use and recreation activities, boating, etc.
NOTICES
Meetings:
11570 Upper Delaware Citizens Advisory Council

National Transportation Safety Board
NOTICES
11588 Meetings; Sunshine Act

Nuclear Regulatory Commission
RULES
Plants and materials, physical protection:
11511 Physical security events; reporting
NOTICES
Applications, etc.:
11582 Carolina Power & Light Co.
11582 Dairyland Power Cooperative
11588 Meetings; Sunshine Act

Public Health Service
NOTICES
Organization, functions, and authority delegations:
11566 National Institutes of Health; Allergy and Infectious Diseases, National Institute; extramural activities program
11566 Privacy Act; systems of records; correction

Small Business Administration
NOTICES
Applications, etc.:
11583 Hampshire Capital Corp.
Authority delegations:
11583 Administrative Services Office, Director et al.; administrative and financial activities

Social Security Administration
NOTICES
Grants; availability, etc.:
11566 Refugee resettlement program; social service funds; allocation formula

Statistical Reporting Service
NOTICES
11542 Crop and livestock estimating program; modification of reports

Treasury Department
See also Internal Revenue Service.
NOTICES
Notes, Treasury:
11584 G–1986 series

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
1093.....11495
1823.....11509
Proposed Rules:
1861.....11521
1951.....11521

9 CFR
92.....11509

10 CFR
73.....11511

12 CFR
Proposed Rules:
615.....11536

15 CFR
970.....11512

21 CFR
1308.....11513

26 CFR
1.....11515

28 CFR
13.....11516

36 CFR
Proposed Rules:
1.....11598
2.....11598
3.....11598
4.....11598
5.....11598
6.....11598
7.....11598
12.....11598

40 CFR
Proposed Rules:
80.....11536
86.....11537
122 (2 documents).....11538
123 (2 documents).....11538
124 (2 documents).....11538
146 (2 documents).....11538

43 CFR
Public Land Orders:
6098 (Corrected by PLO 6199).....11517
6199.....11517

49 CFR
1033.....11518
Proposed Rules:
1201.....11539
1244.....11541

Rules and Regulations

Federal Register
Vol. 47, No. 52
Wednesday, March 17, 1982

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1093

[Milk Order No. 93; Docket No. AO-386]

Milk in the Alabama-West Florida Marketing Area; Order Regulating the Handling of Milk

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This section establishes a Federal milk order to regulate the handling of milk in the Alabama-West Florida marketing area. Associated Milk Producers, Inc., a dairy farmer cooperative, proposed the new milk order. The proposal was considered at a public hearing held June 23–July 2, 1980. On the basis of the evidence obtained at that hearing, the Department has concluded that a Federal milk order is needed to provide stable and orderly conditions for the marketing of milk in the proposed area. The order, which has been approved by more than the required two-thirds of the producers voting in a referendum, is necessary to assure orderly marketing in the area.

EFFECTIVE DATE: Sections 1093.1 through 1093.45 shall be effective on and after April 1, 1982, and all remaining provisions shall be effective on and after May 1, 1982.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202/447–4829).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Information collection requirements contained in this regulation (§§ 1093.1 through 1093.94) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB No. 40–R3160.

Prior documents in this proceeding:

Notice of Hearing: Issued May 20, 1980; published May 23, 1980 (45 FR 35168).

Recommended Decision: Issued September 8, 1981; published September 11, 1981 (46 FR 45542).

Extension of Time: Issued October 9, 1981; published October 15, 1981 (46 FR 50804).

Final Decision: Issued January 28, 1982; published February 3, 1982 (47 FR 5124).

Findings and Determinations

(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 a proposed tentative marketing agreement and a proposed order regulating the handling of milk in the Alabama-West Florida marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1093.85.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than April 1, 1982, and fully effective not later than May 1, 1982. Any delay beyond the April 1 effective date would tend to unduly delay the establishment of orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Marketing Program Operations, was issued September 8, 1981, and the decision of the Assistant Secretary containing all the provisions of this order was issued January 28, 1982. The provisions of the order, other than those relating to prices and payments, must become effective prior to the fully effective date of the order to provide handlers the opportunity to adjust their operational and accounting procedures to the order provisions.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective April 1, 1982, and fully effective May 1, 1982, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register**. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Alabama-West Florida marketing area shall be in conformity to and in compliance with the following terms and conditions of the aforesaid order:

Title 7 of the Code of Federal Regulations is amended by adding a new Part 1093 to read as follows:

PART 1093—MILK IN THE ALABAMA-WEST FLORIDA MARKETING AREA

Subpart—Order Regulating Handling

General Provisions

Sec.
1093.1 General provisions.

Definitions

1093.2 Alabama-West Florida marketing area.
1093.3 Route disposition.
1093.4 Plant.
1093.5 Distributing plant.
1093.6 Supply plant.
1093.7 Pool plant.
1093.8 Nonpool plant.
1093.9 Handler.
1093.10 Producer-handler.
1093.11 [Reserved]
1093.12 Producer.
1093.13 Producer milk.
1093.14 Other source milk.
1093.15 Fluid milk product.
1093.16 Fluid cream product.
1093.17 Filled milk.
1093.18 Cooperative association.

Handler Reports

1093.30 Reports of receipts and utilization.
1093.31 Payroll reports.
1093.32 Other reports.

Classification of Milk

1093.40 Classes of utilization.
1093.41 Shrinkage.
1093.42 Classification of transfers and diversions.
1093.43 General classification rules.
1093.44 Classification of producer milk.
1093.45 Market administrator's reports and announcements concerning classification.

Class Prices

1093.50 Class prices.
1093.51 Basic formula price.
1093.52 Plant location adjustments for handlers.
1093.53 Announcement of class prices.
1093.54 Equivalent price.

Uniform Price

Sec.
1093.60 Handler's value of milk for computing uniform price.
1093.61 Computation of uniform price (including weighted average price and uniform prices for base and excess milk).
1093.62 Announcement of uniform price and butterfat differential.

Payments for Milk

1093.70 Producer-settlement fund.
1093.71 Payments to the producer-settlement fund.
1093.72 Payments from the producer-settlement fund.
1093.73 Payments to producers and to cooperative associations.
1093.74 Butterfat differential.
1093.75 Plant location adjustments for producers and on nonpool milk.
1093.76 Payments by handler operating a partially regulated distributing plant.
1093.77 Adjustment of accounts.
1093.78 Charges on overdue accounts.

Administrative Assessment and Marketing Service Deduction

1093.85 Assessment for order administration.
1093.86 Deduction for marketing services.

Base-Excess Plan

1093.90 Base milk.
1093.91 Excess milk.
1093.92 Computation of daily average base for each producer.
1093.93 Base rules.
1093.94 Announcement of established bases.

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

Subpart—Order Regulating Handling

General Provisions

§ 1093.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

Definitions

§ 1093.2 Alabama-West Florida marketing area.

The "Alabama-West Florida marketing area", hereinafter called the "marketing area", means all territory within the boundaries of the State of Alabama and the Florida counties of Escambia, Santa Rosa, Okaloosa and Walton, including all piers, docks, and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed counties:

Zone 1:

Alabama Counties

Cherokee, Colbert, De Kalb, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall and Morgan.

Zone 2:

Alabama Counties

Bibb, Blount, Calhoun, Chambers, Chilton, Clay, Cleburne, Coosa, Cullman, Etowah, Fayette, Jefferson, Lamar, Marion, Pickens, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker and Winston.

Zone 3:

Alabama Counties

Autauga, Barbour, Bullock, Butler, Choctaw, Clarke, Conecuh, Crenshaw, Dallas, Elmore, Greene, Hale, Lee, Lowndes, Macon, Marengo, Monroe, Montgomery, Perry, Pike, Russell, Sumter, Washington and Wilcox.

Zone 4:

Alabama Counties

Baldwin, Coffee, Covington, Dale, Escambia, Geneva, Henry, and Mobile.

Florida Counties

Escambia, Okaloosa, Santa Rosa and Walton.

Zone 4a:

Alabama County

Houston.

§ 1093.3 Route disposition.

"Route disposition" means a delivery to a retail or wholesale outlet (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I milk.

§ 1093.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products, including filled milk, are received, processed, or packaged. Separate facilities without stationary storage tanks that are used only as a reload point for transferring bulk milk from one tank truck to another or separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1093.5 Distributing plant.

"Distributing plant" means a plant that is approved by a duly constituted regulatory agency for the handling of Grade A milk and at which fluid milk products are processed or packaged and from which there is route disposition in the marketing area during the month.

§ 1093.6 Supply plant.

"Supply plant" means a plant that is approved by a duly constituted regulatory agency for the handling of Grade A milk and from which fluid milk

products are transferred during the month to a pool distributing plant.

§ 1093.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A distributing plant from which during the month there is:

(1) Total route disposition, except filled milk, equal to 50 percent or more of the total quantity of Grade A fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to §1093.13; and

(2) Route disposition, except filled milk, in the marketing area is at least the lesser of a daily average of 1,500 pounds or 10 percent of the total quantity of Grade A fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1093.13.

(b) A supply plant from which fluid milk products are transferred to pool distributing plants. Such transfers must equal not less than 70 percent in each of the months of September through January, and 50 percent in each of the months of February through August, of the total quantity of Grade A milk that is received during the month from dairy farmers (including producer milk diverted from the plant pursuant to § 1093.13 but excluding milk diverted to such plant) and handlers described in § 1093.9(c).

(c) A plant operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and during the month producer milk of members of such cooperative association is delivered directly from farms to pool distributing plants or is transferred to such plants as a fluid milk product from the cooperative's plant. Such deliveries must equal not less than 70 percent of the total producer milk of members of such cooperative association in each of the months of September through January, and 50 percent of such milk in each of the months of February through August. The plant's pool status shall be subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a) or (b) of this section or under the provisions of another Federal order applicable to a distributing plant or a supply plant; and

(2) The plant is approved by a duly constituted regulatory agency to handle Grade A milk.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its route disposition, except filled milk, is made in such other marketing area;

(4) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order on the basis of route disposition in such other marketing area and from which there is a greater quantity of route disposition, except filled milk, in this marketing area than in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(5) A plant qualified pursuant to paragraph (b) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, or such plant has automatic pooling status under such other order.

§ 1093.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant or a governmental agency plant, from which there is a route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a supply plant that does not qualify as a pool supply plant and is not an other order plant, a producer-handler plant, or a governmental agency plant.

(e) "Governmental agency plant" means a plant operated by a governmental agency from which fluid milk products are distributed in the marketing area. Such plant shall be exempt from all provisions of this part.

§ 1093.9 Handler.

"Handler" means:

(a) Any person who operates one or more pool plants;

(b) Any cooperative association with respect to producer milk which it causes to be diverted pursuant to § 1093.13 for the account of such cooperative association;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler of such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler;

(f) Any person who operates an other order plant described in § 1093.7(d); and

(g) Any person who operates an unregulated supply plant.

§ 1093.10 Producer handler.

"Producer-handler" means any person:

(a) Who operates a dairy farm and a processing plant from which there is route disposition in the marketing area;

(b) Who receives no fluid milk products from sources other than own farm production, pool plants, and other order plants;

(c) Who disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products received from own farm production, pool plants, and other order plants; and

(d) Who provides proof satisfactory to the market administrator that the care and management of the dairy farm and other resources necessary for such person's own farm production of milk and the management and operation of

the processing plant are the personal enterprise and risk of such person.

§ 1093.11 [Reserved].

§ 1093.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption as Grade A milk and whose milk is:

(1) Received at a pool plant directly from such producer;

(2) Received by a handler described in § 1093.9(c); or

(3) Diverted from a pool plant in accordance with § 1093.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) A governmental agency plant exempt pursuant to § 1093.8(e);

(3) Any person with respect to milk produced by such person which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1093.44(a)(8)(iii) and the corresponding step of § 1093.44(b); and

(4) Any person with respect to milk produced by such person which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1093.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1093.9(c); or

(c) Diverted by the operator of a pool plant or a cooperative association from a pool plant to a nonpool plant that is not a producer-handler plant, subject to the following conditions:

(1) In any month of February through August, not less than four days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(2) In any month of September through January, not less than ten days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(3) The total quantity of milk so diverted during any month by a cooperative association shall not exceed 30 percent of the producer milk that the cooperative association caused to be delivered to, and is physically received at, pool plants during the month;

(4) The operator of a pool plant that is not a cooperative association may divert any milk that is not under control of a cooperative association that diverts milk during the month pursuant to paragraph (c)(3) of this section. The total quantity of milk so diverted during any month shall not exceed 30 percent of the producer milk physically received at such plant during the month;

(5) Any milk diverted in excess of the limits prescribed in paragraphs (c) (3) and (4) of this section shall not be producer milk. The diverting handler shall designate the dairy farmer deliveries that will not be producer milk pursuant to paragraph (c) (3) or (4) of this section. If the handler fails to make such designation, no milk diverted by such handler shall be producer milk;

(6) To the extent that it would result in nonpool status for the pool plant from which diverted, milk diverted for the account of a cooperative association from the pool plant of another handler shall not be producer milk;

(7) The cooperative association shall designate the dairy farm deliveries that are not producer milk pursuant to paragraph (c)(6) of this section. If the cooperative association fails to make such designation, no milk diverted by it to a nonpool plant shall be producer milk.

(8) Diverted milk shall be priced at the location of the nonpool plant to which diverted.

§ 1093.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1093.40(b)(1) from any source other than producers, handlers described in § 1093.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1093.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1093.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1093.40(b)(1)) for which the handler fails to establish a disposition.

§ 1093.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1093.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1093.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1093.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and be engaged in making collective sales of or marketing milk or milk products for its members.

Handler Reports

§ 1093.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of its pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1093.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1093.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing areas.

(c) Each handler described in § 1093.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to its receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1093.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1093.9 (a), (b), and (c) shall report to the market administrator its producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) Such producer's name and address;

(2) The total pounds of milk received from such producers;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deduction, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1093.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1093.32 Other reports.

(a) Each handler described in § 1093.9(a), (b) and (c) shall report to the market administrator on or before the 7th day after the end of each month of March through July the aggregate quantity of base milk received from producers during the month, and on or before the 20th day after the end of each month of March through July the pounds of base milk received from each producer during the month.

(b) In addition to the reports required pursuant to paragraph (a) of this section adn §§ 1092.30 and 1093.31, each handler shall report such other information as the administrator deems necessary to verify or establish each handler's obligation under the order.

Classification of milk

§ 1093.40 Classes of utilization.

Except as provided in § 1093.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1093.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type package; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all metal-containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section.

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition.

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1093.15; and

(6) In shrinkage assigned pursuant to § 1093.41(a) to the receipts specified in § 1093.41(a)(2) and in shrinkage specified in § 1093.41 (b) and (c).

§ 1093.41 Shrinkage.

For the purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1093.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat;

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1093.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amount of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1093.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1093.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1093.44(a)(12) and the corresponding step of § 1093.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1093.44(a)(7) or the corresponding step of § 1093.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1093.44(a) (11) or (12) or the corresponding steps of § 1093.44(b), the skim milk or butterfat so transferred, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or transferred in the form of a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2), or (3) of this section.

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I subject to adjustment when such information is available.

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to the class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1093.40.

(c) *Transfers to producer-handlers and transfers and diversions to governmental agency plants.* Skim milk or butterfat in the following forms that is transferred from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted from a pool plant to a governmental agency plant shall be classified:

(1) As Class I milk, if so moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or transferred in the form of a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i)(*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2)(ii) through (viii) of this section:

(*a*) The transferor-handler or divertor-handler claims such classification in such handler's report of receipts and utilization filed pursuant to § 1093.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for vertification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Tranfers by a handler described in § 1093.9(c) to pool plants.* Skim milk and butterfat tranferred in the form of bulk milk by a handler described in § 1093.9(c) to another handler's pool plant shall be classified pursuant to § 1093.44 pro rata with producer milk received at the transferee-handler's plant.

§ 1093.43 General classification rules.

In determining the classification of producer milk pursuant to § 1093.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1093.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1093.9(b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1093.40, 1093.41, and 1093.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1093.9(b) or (c) shall be such handler's classification of producer milk;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1093.9(b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1093.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1093.9(a) for each pool plant of the handler separately the classification of producer milk and milk received from a handler described in § 1093.9(c), by allocating the handler's receipts of skim milk and butterfat to the utilization of such receipts by such handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim

milk in shrinkage specified in § 1093.41(b);

(2) Subtract from the total pounds of skim milk in class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from another order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1093.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1093.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This paragraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1093.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1093.40(b)(1) that were not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unindentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1093.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1093.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plan to the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1093.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1093.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk and milk received from a handler described in § 1093.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1093.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of his section and the corresponding step of paragraph (b) of this section.

§ 1093.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1093.44(a)(12) and the corresponding step of § 1093.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1093.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such

association that was used in each class by each handler receiving such milk. For the purpose of this report the milk so recieved shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

Class Prices

§ 1093.50 Class prices.

Subject to the provisions of § 1093.52, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* For the first 18 months this order is fully effective, the Class I price shall be the basic formula price for the second preceding month plus $2.30.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1093.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1093.52 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or a handler described in § 1093.9(c) and which is classified as Class I milk without movement in bulk form to a pool distributing plant at which a higher Class I price applies, the price specified in § 1093.50(a) shall be adjusted by the amount stated in paragraph (a) (1) through (6) of this section for the location of such plant:

(1) For a plant located within one of the zones set forth in § 1093.2, the adjustment shall be as follows:

	Adjustment per hundredweight
Zone 1	Minus 20 cents.
Zone 2	No adjustment.
Zone 3	Plus 15 cents.
Zone 4	Plus 37 cents.
Zone 4a	Plus 20 cents.

(2) For a plant located in any of the Tennessee and Georgia counties listed below, the adjustment shall be minus 20 cents;

Tennessee Counties

Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sequatchie, Sevier, Sullivan, Unicol, Union and Washington.

Georgia Counties

Catoosa, Chattooga, Dade, Fannin, Murray, Walker, and Whitfield.

(3) For a plant located in any of the Tennessee and Kentucky counties listed below or in the Fort Campbell military reservation, the adjustment shall be minus 45 cents;

Tennessee Counties

Bedford, Cannon, Cheatham, Clay, Coffee, Davidson, De Kalb, Dickson, Fentress, Franklin, Giles, Grundy, Hickman, Houston, Humphreys, Jackson, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Smith, Stewart, Sumner, Trousdale, Van Buren, Warren, Wayne, White, Williamson, and Wilson.

Kentucky Counties

Allen, Barren, Metcalfe, Monroe, Simpson, and Warren.

(4) For a plant located outside the marketing area and north of a line extending through the northern boundaries of Georgia, Alabama and Mississippi, and at a location not included in paragraphs (a) (2) and (3) of this section the adjustment shall be minus 20 cents. Such minus adjustment shall be increased 1.5 cents for each 10 miles or fraction thereof (by the shortest hard-surfaced highway distance as determined by the market administrator) that such plant is from the nearer of the city halls in Florence or Huntsville, Alabama;

(5) For a plant located outside the marketing area and south of a line extending through the northern boundaries of Georgia, Alabama and Mississippi, and not in the State of Florida or the Georgia counties listed in paragraph (a)(2) of this section, the adjustment shall be the adjustment applicable at Mobile, York, Tuscaloosa, Florence, Huntsville, Gadsden, Opelika or Dothan, Alabama, whichever city is nearest;

(6) For a plant located outside the marketing area and in the State of Florida, the adjustment shall be plus 55 cents.

(b) For fluid milk products transferred in bulk from a pool plant to a pool distributing plant at which a higher Class I price applies and which are classified as Class I milk, the Class I price shall be the Class I price applicable at the location of the transferee-plant subject to a location adjustment credit for the transferor-plant which shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) Subtract from the pounds of skim milk remaining in Class I at the transferee-plant after the computations pursuant to § 1093.44(a)(12) an amount equal to:

(i) The pounds of skim milk in receipts of milk at the transferee-plant from producers and handlers described in § 1093.9(c); and

(ii) The pounds of skim milk in receipts of packaged fluid milk products from other pool plants.

(2) Assign any remaining pounds of skim milk in Class I at the transferee-plant to the skim milk in receipts of fluid milk products from other pool plants, first to the transferor-plants at which the highest Class I price applies and then to other plants in sequence beginning with the plant at which the next highest Class I price applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor-plants by multiplying the hundredweight of skim milk assigned pursuant to paragraph (b)(2) of this section to each transferor-plant at which the Class I price is lower than the Class I price at the transferee-plant by the difference in Class I prices applicable at the transferor-plant and transferee-plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment credits computed pursuant to paragraph (b)(3) of this section to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1093.42(a) and at which the applicable Class I price is less than the Class I price at the transferee-plant, in sequence beginning with the plant at which the highest Class I price applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable adjustment rate determined pursuant to paragraph (b)(3) of this section for such plant. If the aggregate of this computation for all plants having the same adjustment rate as determined pursuant to paragraph (b)(3) of this section exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers from such plants; and

(5) Location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraph (b)(1) through (4) of this section.

(c) The market administrator shall determine and publicly announce the zone location of each plant of each handler. The market administrator shall notify the handler on or before the first day of any month in which a change in a plant location zone will apply.

(d) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1093.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1093.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

Uniform Price

§ 1093.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of such handler's pool plants and of each handler described in § 1093.9(b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1093.9(c) that were classified in each class pursuant to §§ 1093.43(a) and 1093.44(c) by the applicable class prices, and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1093.44(a)(14) and the corresponding step of § 1093.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1093.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1093.44(a)(9) and the corresponding step of § 1093.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1093.44(a)(7)(i) through (iv) and the corresponding step of § 1093.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1093.44(a)(7)(v) and (vi) and the corresponding step of § 1093.44(b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1093.44(a)(11) and the corresponding step of § 1093.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

§ 1093.61 Computation of uniform price (including weighted average price and uniform prices for base and excess milk).

(a) The market administrator shall compute the weighted average price for each month and the uniform price for each month of August through February per hundredweight for milk of 3.5 percent butterfat content as follows:

(1) Combine into one total the values computed pursuant to § 1093.60 for all handlers who filed the reports prescribed in § 1093.30 for the month and who made the payments pursuant to § 1093.71 for the preceding month;

(2) Add not less than one-half the unobligated balance in the producer-settlement fund;

(3) Add or subtract an amount equal to the total net value of the location adjustments computed pursuant to § 1093.75;

(4) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1093.60(f); and

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The resulting figure, rounded to the nearest cent, shall be the weighted average price for each month and the uniform price for the months of August through February.

(b) For each month of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

(1) Compute the total value of excess milk for all handlers included in the computations pursuant to paragraph (a)(1) of this section as follows:

(i) Multiply the hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class III milk by the Class III price;

(ii) Multiply the remaining hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class II milk by the Class II price;

(iii) Multiply the remaining hundredweight quantity of excess milk by the Class I price; and

(iv) Add together the resulting amounts;

(2) Divide the total value of excess milk obtained in paragraph (b)(1) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(3) From the amount resulting from the computations pursuant to paragraph (a)(1) through (3) of this section subtract an amount computed by multiplying the hundredweight of milk specified in paragraph (a)(4)(ii) of this section by the weighted average price;

(4) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b)(2) of this section times the hundredweight of excess milk from the amount computed pursuant to paragraph (b)(3) of this section;

(5) Divide the amount calculated pursuant to paragraph (b)(4) of this section by the total hundredweight of base milk included in these computations; and

(6) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (b)(5)

of this section. The resulting figure, rounded to the nearest cent, shall be the uniform price for base milk.

§ 1093.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 11th day after the end of each month the applicable uniform price(s) pursuant to § 1093.61 for such month.

Payments for Milk

§ 1093.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by the handlers pursuant to §§ 1093.71, 1093.76, and 1093.77, and out of which he shall make all payments pursuant to §§ 1093.72 and 1093.77. Payments due any handler shall be offset by any payments due from such handler.

§ 1093.71 Payments to the producer-settlement fund.

(a) On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1093.60.

(2) The sum of:

(i) The value at the uniform price[s], as adjusted pursuant to § 1093 .75, of each handler's receipts of producer milk and milk received from handlers pursuant to § 1093.9(c); and

(ii) The value at the weighted average price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1093.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1093.72 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1093.71(a)(2) exceeds the amount computed pursuant to § 1093.71(a)(1). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1093.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler before the 25th day of the month at not less than the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher, less proper deductions authorized in writing by the producer. If the producer had discontinued shipping milk to such handler before the 25th day of any month, or if the producer had no established base upon which to receive payments during the base paying months of March through July, the applicable rate for making payments to such producer pursuant to this paragraph in either case shall be the Class III price for the preceding month; and

(2) On or before the 15th day of the following month, an amount equal to not less than the uniform price(s), as adjusted pursuant to §§ 1093.74 and 1093.75, multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to paragraph (a)(1) of this section;

(ii) Less deductions for marketing services made pursuant to § 1093.86;

(iii) Plus or minus adjustments for errors made in previous payments made to such producers; and

(iv) Less proper deductions authorized in writing by such producer.

(b) On or before the day prior to the dates specified in paragraph (a) of this section, each handler shall make payment to the cooperative association for milk from producers who market their milk through the cooperative association and who have authorized the cooperative to collect such payments on their behalf an amount equal to the sum of the individual payments otherwise payable for such producer milk pursuant to paragraph (a) of this section.

(c) If a handler has not received full payment from the market administrator pursuant to § 1093.72 by the 15th day of such month, such handler may reduce payments pursuant to paragraphs (a) and (b) of this section to producers on a pro rata basis but not by more than the amount of the underpayment. Such payments shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(d) Each handler pursuant to § 1093.9(a) who receives milk from a cooperative association as a handler pursuant to § 1093.9(c), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payment for their milk, shall pay such cooperative for such milk as follows:

(1) On or before the day prior to the last day of the month for milk received during the first 15 days of the month, not less than the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher; and

(2) On or before the 14th day of the following month for milk received during the month, not less than the appropriate uniform price(s) as adjusted pursuant to §§ 1093.74 and 1093.75, and less any payments made pursuant to paragraph (c)(1) of this section.

(e) In making payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be

retained by the recipient which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) For the months of March through July the total pounds of base milk received from the producer;

(4) The minimum rate(s) at which payment to the producer is required pursuant to this order;

(5) The rate(s) used in making the payment if such rate(s) is other than the applicable minimum rate(s);

(6) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(7) The net amount of payment to such producer or cooperative association.

§ 1093.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price(s) shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1093.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price and the uniform price for base milk shall be adjusted according to the location of the plant at which the milk was physically received at the rates set forth in § 1093.52(a); and

(b) The weighted average price applicable to other source milk shall be adjusted at the rates set forth in § 1052.93(a) applicable at the location of the nonpool plant from which the milk was received, except that the adjusted weighted average price shall not be less than the Class III price.

§ 1093.76 Payments by a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to § 1093.30(b) and § 1093.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the weighted average price, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and weighted average price shall not be less than the Class III price); and

(5) Add the amount obtained from mutiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1093.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is compted for the handler operating the partially regulated distributing plant pursuant to § 1093.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1093.60 for such handler shall include, in lieu of the value of other source milk specified in § 1093.60(f) less the value of such other source milk specified in § 1093.71(a)(2)(ii), a value of milk determined pursuant to § 1093.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1093.7(b) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with its reports filed pursuant to §§ 1093.30(b) and 1093.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1093.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1093.74, for milk received at the plant during the month that would have been producer

milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1093.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1093.77 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or other verification discloses errors resulting in money due the market administrator from a handler, or due a handler from the market administrator, or due a producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which the error(s) occurred.

§ 1093.78 Charges on overdue accounts.

Any unpaid obligation due the market administrator from a handler pursuant to §§ 1093.71, 1093.76, 1093.77, 1093.78, 1093.85, and 1093.86, shall be increased 1.5 percent each month beginning with the day following the date such obligation was due under the order. Any remaining amount due shall be increased at the same rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation and shall include any unpaid charges previously made pursuant to this section. For the purpose of this section, any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

Administrative Assessment and Marketing Service Deduction

§ 1093.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Receipts of producer milk (including such handler's own production) other than such receipts by a handler described in § 1093.99(c) that were delivered to pool plants of other handlers;

(b) Receipts from a handler described in § 1093.9(c);

(c) Other source milk allocated to Class I pursuant to § 1093.44(a) (7) and (11) and the corresponding steps of § 1093.44(b), except such other source milk that is excluded from the computations pursuant to § 1093.60 (d) and (f); and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1093.76(a)(2).

§ 1093.86 Deduction for marketing services.

(a) Except as provided in paragraph (b) of this each handler, in making payments to producers for milk (other than milk of such handler's own production) pursuant to § 1093.73, shall deduct 7 cents per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and provide market information for producers who are not receiving such services from a cooperative association. Such services shall be performed in whole or in part by the market administrator or an agent engaged by and responsible to the market administrator;

(b) In the case of producers for whom a cooperative association that the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month, pay such deductions to the cooperative association rendering such services accompanied by a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

Base-Excess Plan

§ 1093.90 Base milk.

"Base milk" means the producer milk of a producer in each month of March through July that is not in excess of the producer's base multiplied by the number of days in the month.

§ 1093.91 Excess milk.

"Excess milk" means the producer milk of a producer in each month of March through July in excess of the producer's base milk for the month, and shall include all the producer milk in such months of a producer who has no base.

§ 1093.92 Computation of base for each producer.

(a) Subject to § 1093.93, the base for each producer shall be an amount obtained by dividing the total pounds of producer milk delivered by such producer during the immediately preceding months of September through January by the number of days' production represented by such producer milk or by 120, whichever is more. If a producer operated more than one farm at the same time, a separate computation of base shall be made for each such farm.

(b) Any producer who, during the immediately preceding months of September through January, delivered milk to a nonpool plant that became a pool plant after the beginning of such base-forming period shall be assigned a base calculated as if the plant were a pool plant during such entire base-forming period. A base thus assigned shall not be transferable.

§ 1093.93 Base rules.

(a) Except as provided in § 1093.92(b) and in paragraph (b) of this section, a base may be transferred in its entirety or in amounts of not less than 300 pounds effective on the first day of the month following the date on which an application for such transfer is received by the market administrator. Base may be transferred only to a person who is or will be a producer by the end of the month that the transfer is to be effective. A base transfer to be effective on March 1 for the month of March must be received by the market administrator on or before March 15. Such application shall be on a form approved by the market administrator and signed by the baseholder or the legal representative of the baseholder's estate and the person to whom the base is to be transferred. If a base is held jointly, the application

shall be signed by all joint holders or the legal representative of the estate of any deceased baseholder.

(b) A producer who transferred base on or after March 1 may not receive by transfer additional base that would be applicable during March through July of the same year. A producer who received base by transfer on or after March 1 may not transfer a portion of the base to be applicable during March through July of the same year, but may transfer the entire base.

(c) The base established by a partnership may be divided between the partners on any basis agreed to in writing by them if written notification of the agreed-upon division of base signed by each partner is received by the market administrator prior to the first day of the month in which such division is to be effective.

(d) Two or more producers in a partnership may combine their separately established bases by giving notice to the market administrator prior to the first day of the month in which such combination of bases is to be effective.

(e) The base assigned a person who was a producer during any of the immediately preceding months of September through January may be increased to such producer's average daily producer milk deliveries in the month immediately preceding the month during which a condition described in paragraph (e)(1), (2), or (3) of this section occurred, providing such producer submitted to the administrator in writing on or before March 1 a statement that established to the satisfaction of the market administrator that in the immediately preceding September through January base-forming period the amount of milk produced on such producer's farm was substantially reduced because of conditions beyond the control of such person, which resulted from:

(1) The loss by fire or windstorm of a farm building used in the production of milk on the producer's farm;

(2) Brucellosis, bovine tuberculosis or other infectious diseases in the producer's milking herd as certified by a licensed veterinarian; or

(3) A quarantine by a Federal or State authority that prevents the dairy farmer from supplying milk from the farm of such producer to a plant.

§ 1093.94 Announcement of established bases.

On or before February 28 of each year, the market administrator shall calculate a base for each person who was a producer during any of the immediately preceding months of September through January and shall notify each producer and the handler receiving milk from such dairy farmer of the base established by the producer. If requested by a cooperative association, the market administrator shall notify the cooperative association of each producer-member's base.

Effective date: Sections 1093.1 through 1093.45 shall be effective on and after April 1, 1982, and all remaining provisions shall be effective on and after May 1, 1982.

Signed at Washington, D.C., on March 11, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-7171 Filed 3-16-82; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1823

Community Facility Loan Programs; Planning Advances

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations pertaining to the Community Facility Loan Programs. The FmHA is amending Part 1823 by removing and reserving Subpart C "Planning Advances." This action is being taken to correct an oversight which left an obsolete regulation in the CFR. Because this is an inactive program, this action will not have any effect on the public.

EFFECTIVE DATE: March 17, 1982.

FOR FURTHER INFORMATION CONTACT: Harley Hurt, Loan Specialist, Community Facilities, USDA, Washington, DC 20250. Telephone (202) 382-1506.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 and Executive Order 12291, and has been determined to be exempt from such requirements. The reasons for this decision are: (1) Such changes as set forth in this amendment involve only an agency management practice, which will not have an effect on the public; and (2) no additional burden or cost to the public will result from this action. It is the policy of this Department to publish all regulations for public comment, however, since the changes only involve internal agency management practices, it is unnecessary to submit this amendment for public comment. There will not be other FmHA programs or projects affected by this action since this Subpart became obsolete on July 7, 1971, due to a determination that the program did not serve its intended use. Therefore, Part 1823, Chapter XVIII, Title 7, Code of Federal Regulations is amended by removing and reserving Subpart C as follows:

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

§§ 1823.81-1823.91 (Subpart C—Planning Advances)—[Removed and Reserved]

This document has been reviewed in accordance with FmHA Instruction 1901-G, "Environmental Impact Statement." It is the determination of FmHA that this action does not constitute a major Federal Action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70).

Dated: March 11, 1982.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 82-7227 Filed 3-16-82; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 82-016]

Specifically Approved States To Receive Mares Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document adds the State of South Carolina to the list of specifically approved States authorized to receive certain mares imported into the United States from countries affected with contagious equine metritis (CEM).

This action is being taken because the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has determined that South Carolina has laws or regulations in effect to require the additional quarantine, treatment and testing of such mares to further ensure their

freedom from CEM as required by the regulations.

DATES: Effective date March 11, 1982. Comments must be received on or before May 17, 1982.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Dulin, USDA, APHIS, VS, Room 818, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1, and has been determined to be not a "major rule." The Department has determined that this action will not have a significant annual effect on the economy, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any 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.

For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this interim action. This amendment relieves restrictions presently imposed on mares over 731 days of age being imported into the United States, and should be made effective immediately in order to permit affected persons to move these mares into the United States without unnecessary restrictions.

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 interim action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency interim 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 this emergency interim action will be scheduled for review so that a final document discussing comments received and any amendments required can 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 in the fall of 1977 on the importation of certain horses from France, Ireland, and the United Kingdom, as well as restrictions added later on Australia, Belgium, Italy, the Federal Republic of Germany, Japan, Austria, and Denmark. It is anticipated that no more than 25 importers will consign approximately 35–40 mares over 731 days of age from CEM affected countries annually to the State of South Carolina. This compares with 14,666 horses of all classes imported into the United States during Fiscal Year 1980.

To the best of our knowledge, through the years the number of small entities involved in the importation of mares from the countries involved has been extremely limited because of factors such as the number of animals sold; stallion fees ranging from $5,000 to $50,000; stallions syndicated up to $32,000,000 and the international operations involved. The average cost to import a horse from overseas is from $5,000 to $7,000, including preembarkation testing and treatment, the cost of transportation and post entry quarantine.

Background

On Friday, October 16, 1981, there was published in the **Federal Register** (46 FR 50930–50937) amendments to 9 CFR Part 92 which, among other things, authorized the importation of mares over 731 days of age into the United States from countries affected with CEM when specific requirements to prevent their introducing CEM into the United States are met. Further, these amendments require that such imported mares be consigned to States which have been approved by the Deputy Administrator, Veterinary Services, as having met the minimum standards believed necessary to ensure that such mares being imported into the United States are free of the contagion of CEM. These minimum standards are set forth in § 92.4(a)(9) of the regulations. The Deputy Administrator, Veterinary Services, has determined that the State of South Carolina has met the minimum standards believed necessary to ensure that mares over 731 days of age being imported into the United States from countries affected with CEM are free of the contagion of CEM. Therefore, § 92.4(a)(8)(ii) is amended to add the State of South Carolina to the list of States approved to receive mares over 731 days of age from CEM affected countries.

Alternatives

The alternatives considered in making this decision were (1) not to list South Carolina as a State approved to receive mares over 731 days of age from CEM affected countries, and (2) to make the change set forth in this document.

Alternative No. 1 would prohibit the consignment of mares over 731 days of age from CEM affected countries to the State of South Carolina.

This alternative was not adopted because the Deputy Administrator, Veterinary Services, has determined that South Carolina has met the minimum standards necessary to ensure that such mares are free of the contagion of CEM. The continued prohibition on consignment to the State of South Carolina would, therefore, constitute an unnecessary restriction on the importation of such mares.

Alternative No. 2 would allow for the consignment of mares over 731 days of age from CEM affected countries to the State of South Carolina. This alternative was adopted because the Deputy Administrator, Veterinary Services, has determined that the State of South Carolina has met the minimum standards necessary to ensure that such mares are free of the contagion of CEM.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended by revising § 92.4(a)(8)(ii) as follows:

§ 92.4 Import permits for ruminants, swine, horses from countries affected with CEM, poultry, poultry semen, animal semen, birds, and for animal specimens for diagnostic purposes.

(a) * * *

(8) * * *

(ii) The following States have been approved to receive mares over 731 days of age pursuant to § 92.2(i)(2)(v):

The State of Kentucky
The State of New York
The State of South Carolina

The State of Virginia

* * * * *

(Sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 4, 11, 76 Stat. 129, 130, 132 (19 U.S.C. 1306, 21 U.S.C. 111, 134a, 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 11th day of March 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-7164 Filed 3-16-82; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

Reporting of Physical Security Events

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations regarding notification requirements for reporting significant physical security events to conform with the proposed requirements for the reporting of significant events contained in § 50.72. This change will require that licensees of nuclear power plants and fuel fabrication facilities, who have access to the system, notify the NRC Operations Center via the Emergency Notification System (ENS), rather than the Regional Office, of a reportable physical security event. This document also corrects an omission in a previously published rule.

EFFECTIVE DATE: April 16, 1982.

FOR FURTHER INFORMATION CONTACT: Kristina Z. Markulis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301-433-5976).

SUPPLEMENTARY INFORMATION: In 1979, the Commission's concern about the lack of effective and timely communication between licensees and the NRC regarding unusual events at operating reactor facilities prompted a rulemaking action leading to a final rule (10 CFR 50.72, "Notification of Significant Events") being published in the **Federal Register** on February 29, 1980 (45 FR 13435). One requirement of the rule is that operators of nuclear power reactors notify the NRC Operations Center, via the Emergency Notification System, of reportable physical security events as set forth in 10 CFR 73.71. The Commission is amending the notification requirements of § 73.71 to be consistent with the proposed requirements in § 50.72.

On January 19, 1981, the Commission published amendments to 10 CFR 73.71 (45 FR 4858) as a final rule which clarified existing reporting requirements and included a Table, "Reporting of Physical Security Events." An omission was made in Footnote 2 of the Table which is now being corrected to include nuclear power plant licensees (§ 73.55). Correcting the clarifying footnote to add a reference to § 73.55 does not change the content of the rule which covers all general and specific licenses.

Appendix A of 10 CFR Part 73 is being updated to include the Regional Federal Telecommunications (FTS) numbers, a change of address for Region V, and an explanatory footnote. The commercial telephone number for the NRC Operations Center is also being added to the Appendix for licensees who do not have access to the notification system, or in the event that the Emergency Notification System is inoperative.

Since these amendments are of a minor and nonsubstantive nature, a notice of proposed rulemaking is unnecessary and good cause exists to make the amendments effective April 16, 1982.

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 73, are published as a document subject to codification.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 53, 147, 161b, 161i, 161o, Pub. L. 85-703, 68 Stat. 930, 948-950, as amended, Pub. L. 85-507, 72 Stat. 327, Pub. L. 88-489, 78 Stat. 602, Pub. L. 93-377, 88 Stat. 475, Pub. L. 96-295, 94 Stat. 780 (42 U.S.C. 2073, 2201, 2167); Sec. 201, Pub. L. 93-438, 88 Stat. 1242, 1243, as amended, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841). For the purposes of Sec. 223, 68 Stat. 958, as amended, 42 U.S.C. 2273, §§ 73.37(g), 73.55 are issued under Sec. 161b, 68 Stat. 948, as amended, 42 U.S.C. 2201(b); §§ 73.20, 73.24, 73.25, 73.26, 73.27, 73.37, 73.40, 73.45, 73.46, 73.50, 73.55, and 73.67 are issued under Sec. 161i, 68 Stat. 949, as amended, 42 U.S.C. 2201(i); and §§ 73.20(c)(i), 73.24(b)(i), 73.26(b)(3), h(6), (i)(6), and (k)(4), 73.27 (a) and (b), 73.37(f), 73.40 (b) and (d), 73.46(g)(6), and (h)(2), 73.50(g)(2), (3)(iii) (B) and (h), 73.55(h)(2), and (4)(iii)(B), 73.70, 73.71, and 73.72 are issued under Sec. 161o, 68 Stat. 950, as amended, 42 U.S.C. 2201(o). Paragraph 73.37(f) is also issued under Sec. 301, Pub. L. 96-295, 94 Stat. 280.

2. Section 73.71 is amended by revising paragraphs (a), (b), and (c) and footnote 2 of the Table "Reporting of Physical Security Events" to read as follows:

§ 73.71 Reports of unaccounted for shipments, suspected thefts, unlawful diversion, radiological sabotage, or events which significantly threaten or lessen the effectiveness of safeguards.

(a) Each licensee who conducts a trace investigation of a lost or unaccounted for shipment pursuant to § 73.27(c) shall notify the NRC Operations Center via the Emergency Notification System as soon as possible, and in all cases within one hour, of the details and results of its trace investigation. If the Emergency Notification System is inoperative or unavailable, the licensee shall make the required notifications via commercial telephone service, other dedicated telephone systems, or any other method which will ensure a report being made promptly to the NRC Operations Center. Each licensee who conducts a trace investigation of a lost or unaccounted for shipment pursuant to § 73.67(e)(3)(vi) or § 73.67(g)(3)(iii) shall notify the NRC Operations Center via commercial telephone using the number provided in Appendix A as soon as possible, and in all cases within one hour of the details and results of its trace investigation. The licensee shall also file within a period of fifteen (15) days a written report to the appropriate NRC Regional Office setting forth the details and results of the trace investigation. A copy of this written report must be sent to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(b) Each licensee shall notify the NRC Operations Center via the Emergency Notification System as soon as possible, and in all cases within one hour, of any incident in which an attempt has been made, or is believed to have been made, to commit a theft or unlawful diversion of special nuclear material which it is licensed to possess, or to commit an act of radiological sabotage against its plant or transportation system. If the Emergency Notification System is inoperative or unavailable, the licensee

shall make the required notifications via commercial telephone service, other dedicated telephone systems, or any other method which will ensure a report being made promptly to the NRC Operations Center. The initial notification must be followed within a period of fifteen (15) days by a written report, submitted to the appropriate NRC Regional Office shown in Appendix A of this part setting forth the details of the incident. Copies of the written report are to be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. After the submission of the written report required by this paragraph, a licensee shall immediately inform the appropriate Regional Office by means of a written report of any substantive additional information which becomes available to the licensee concerning the incident.

(c) Each licensee under either a specific or general license shall notify the NRC Operations Center via the Emergency Notification System as soon as possible, and all cases within one hour, of any event which significantly threatens or lessens the effectiveness of a physical security system as established by regulations in this chapter, or by the licensee's approved physical security, contingency, and security personnel qualification and training plans, or by both. If the Emergency Notification System is inoperative or unavailable, the licensee shall make the required notifications via commercial telephone service, other dedicated telephone systems, or any other method which will ensure a report being made promptly to the NRC Operations Center. This notification must be made within the time period specified below. The time period begins upon discovery of the event by any member of the security organization or any other employee of the licensee. The licensee shall submit a written report to the appropriate NRC Regional Office, listed in Appendix A of this part, describing the event in detail within 5 days of the time of discovery. A copy of this written report must be sent to the Director of Inspection and Enforcement, U.S. Regulatory Commission, Washington, D.C. 20555. This notification and these reports satisfy both the notification requirements of Part 21 of this chapter, if the event is also reportable under Part 21, and § 50.72(a)(4) of this chapter, if applicable. A separate log must be maintained to record events reportable under § 73.71. Licensees need not report any event which is designated as not reportable in their security or contingency plans.

* * * * *

[2] Major Loss of Physical Security Effectiveness. A major loss of physical security effectiveness occurs (1) when security features break down without proper compensation allowing unauthorized or undetected access to material access or vital areas, to shipments of formula quantities of SSNM or irradiated reactor fuel, or at facilities licensed to possess formula quantities of SSNM, or (2) when the communication systems used to summon offsite response become inoperative without proper compensation. Licensees which are required to meet the requirements of 10 CFR 73.20, 73.37, 73.50, and 73.55 may be subject to this event.

* * * * *

3. Appendix A is revised to read as follows:

APPENDIX A—UNITED STATES NUCLEAR REGULATORY COMMISSION REGIONAL OFFICES

	Address	Telephone (24 hours)
NRC Operations Center (via NRC Operator)	USNRC, Office of Inspection and Enforcement, Washington, D.C. 20555.	(301) 492-7000 (FTS) 492-7000
Region I: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.	USNRC, 631 Park Avenue, King of Prussia, PA 19406.	(215) 337-5000 (FTS) 488-1000
Region II: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, the Virgin Islands, Virginia, and West Virginia.	USNRC, 101 Marietta St., Suite 3100, Atlanta, GA 30303.	(404) 221-4503 (FTS) 242-4503
Region III: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin..	USNRC, 799 Roosevelt Road, Glen Ellyn, IL 60137.	(312) 932-2500 (FTS) 384-2500
Region IV: [1] Arkansas, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.	USNRC, 611 Ryan Plaza Drive, Arlington, TX 76102.	(817) 465-8100 (FTS) 728-8100
Region V: Alaska, Arizona, California, Hawaii, Nevada, Oregon, Pacific Trust Territories, and Washington.	USNRC, 1450 Maria Lane, Walnut Creek, CA 94596.	(415) 943-3700 (FTS) 463-3700

[1] For calls related to Material Control and Accounting matters, consult the following Regions: Arkansas—II, Colorado—V, Idaho—V, Kansas—III, Louisiana—II, Montana—V, Nebraska—III, New Mexico—V, North Dakota—III, Oklahoma—III, South Dakota—III, Texas—V, Utah—V, Wyoming—V.

Dated at Bethesda, MD this 20th day of January, 1982.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 82-7226 Filed 3-16-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 970

Deep Seabed Mining Regulations for Exploration Licenses; Procedures for Pre-Enactment Explorer Applications and New Entrant Applications

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Revocation, suspension and amendment of final rules.

SUMMARY: Following consultations between the U.S. and other seabed mining countries, the National Oceanic and Atmospheric Administration (NOAA) has determined that it will not accept, after 5:00 p.m. on March 12, 1982, any application for an exploration license based on pre-enactment exploration (exploration prior to the enactment of the Deep Seabed Hard Mineral Resources Act (Pub. L. 96-283)). NOAA also will suspend, until further notice, the acceptance of new entrant applications. In addition, NOAA will not issue determinations of the substantial or full compliance of pre-enactment explorer applications with Subpart B of 15 CFR Part 970, nor will it distribute copies of such applications to other Federal agencies, until after it opens the coordinates of the areas covered by the applications, after further consultation and coordination with any reciprocating states.

DATE: This action is effective on March 12, 1982.

ADDRESS: Inquiries should be directed to: Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Page Building 1, Suite 410, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235, Telephone: (202) 653-7695.

FOR FURTHER INFORMATION CONTACT: James P. Lawless, Acting Director, Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Page Building 1, Suite 410, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235, Telephone: (202) 653-7695.

SUPPLEMENTARY INFORMATION: On February 25, 1982, at 47 FR 8171, the

National Oceanic and Atmospheric Administration (NOAA) temporarily suspended, until further notice, some sections of Subpart C of 15 CFR Part 970, which it issued on February 9, 1982 (47 FR 5966). The sections of Subpart C which were suspended included: the deadline date for filing applications for exploration licenses based on pre-enactment exploration; the deadline date for indicating the size of the area applied for in one or more nations, and whether the "banking" option was pursued; and the date for exchanging pre-enactment explorer applicants' coordinates with reciprocating states. Following consultations between the U.S. and prospective reciprocating states, NOAA is revoking the suspension of the February 19, 1982, deadline for filing an application based on pre-enactment exploration and is changing that date to March 12, 1982. All pre-enactment explorer applications received by NOAA on or after January 25, 1982, and on or before March 12, 1982, are deemed filed on March 12, 1982. NOAA also lifts the suspension of the deadline date for indicating the size of the area applied for in one or more nations and is changing that date to March 12, 1982.

While NOAA has determined that it will "close the window" and receive no more applications based on pre-enactment exploration after March 12, 1982, it has also determined, in consultation with prospective reciprocating states, that it will not immediately begin the formal process for resolving conflicts among those applications which have been filed. However, "closing the window" for the receipt of pre-enactment explorer applications will facilitate the beginning of the applicants' private conflict resolution efforts. Therefore, NOAA suspends, until further notice, the procedures and criteria for resolving conflicts (15 CFR 970.302) and the procedures for new entrants (15 CFR 970.303). Finally NOAA will not issue a determination, for pre-enactment explorer applications, of substantial or full compliance with Subpart B of 15 CFR Part 970, or distribute copies of such applications to other Federal agencies, until after it opens the coordinates of the area covered by the applications, in consultation and coordination with any reciprocating states.

NOAA hereby advises prospective applicants and other interested persons of the possibility that NOAA may find it necessary to amend the Subpart C regulations, including dates and other regulatory provisions, if certain provisions of agreements that have been reached with prospective reciprocating states are amended prior to their implementation.

NOAA statements with respect to the following legal matters appear at 47 FR 5967 (February 9, 1982) and are hereby incorporated and made a part of this preamble:

1. Classification under Executive Order 12291 (including discussion of the Regulatory Flexibility Act);

2. Paperwork Reduction Act; and

3. Environmental Impact Statement.

Effective Date. In order to allow compatibility with the schedule for receiving pre-enactment explorer applications under discussion between the United States Government and the governments of prospective reciprocating states, for the reasons described in the second paragraph of the SUPPLEMENTARY INFORMATION section of this preamble, and for other foreign policy reasons, NOAA finds under 5 U.S.C. 553(b) that notice and public procedure on this revocation of suspension, amendment and additional suspension action are impracticable and contrary to the public interest. For the same reasons, NOAA finds under 5 U.S.C. 553(d) that good cause exists to make this action effective on March 12, 1982.

Accordingly, the prior suspension of several sections of Title 15, Part 970, Subpart C, of the Code of Federal Regulations, is revoked as described below. Also, several sections of Title 15, Part 970, Subparts B and C of the Code of Federal Regulations are amended and others are suspended as described below.

Dated: March 8, 1982.

John V. Byrne,

Administrator.

(30 U.S.C. 1401 *et seq.*)

PART 970—DEEP SEABED MINING REGULATIONS FOR EXPLORATION LICENSES

§ 970.301 [Revocation of partial suspension]

1. The suspension of the following paragraphs of § 970.30 of 15 CFR Part 970, Subpart C, which was published in the **Federal Register** on February 25, 1982, (47 FR 8171), is hereby revoked: §§ 970.301(b) and 970.301(g).

§ 970.301 [Amended]

2. Section 970.301(b) is amended by substituting "March 12, 1982", for "February 19, 1982."

3. Section 970.301(g) is amended by substituting "March 12, 1982" for "February 18, 1982."

§§ 970.300; 970.302; 970.303 [Suspended in part]

4. The following paragraph and sections of 15 CFR Part 970, Subpart C, are suspended until the Administrator gives further legal notice: §§ 970.300(b)(5); 970.302 and 970.303.

§ 970.209 [Amended]

5. Section 970.209(c) is amended by inserting, after "receipt of an application", the phrase "and the opening of coordinates describing the application area,".

§ 970.211 [Amended]

6. Section 970.211(a) is amended by inserting, after "his receipt of an application", the phrase "and the opening of coordinates describing the application area,".

[FR Doc. 82-6619 Filed 3-12-82; 9:27 am]

BILLING CODE 3510-12-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Exempt Chemical Preparations

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: By this rule, the below listed chemical preparations and mixtures which contain controlled substances have, as indicated, either been added to or deleted from the list of exempt chemical preparations set forth in Title 21, Code of Federal Regulations, § 1308.24. Those which are included in the list are exempted from the application of various provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and from certain Drug Enforcement Administration regulations. This action is in response to DEA's periodic review of the exempt chemical preparation list and of applications for exemptions filed with DEA, and is consistent with the needs of researchers, chemical analysts, and suppliers of these products.

DATES: This rule is effective May 17, 1982, subject to being suspended, reinstated, revoked or amended by the Administrator upon consideration of any comments or objections timely filed on or before May 17, 1982, which raise significant issues on any finding of fact or conclusion of law supporting this rule.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Telephone (202) 633-1366.

SUPPLEMENTARY INFORMATION: The Acting Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of The Code of Federal Regulations (CFR) which ask that several chemical preparations containing controlled substances be granted the exemptions provided for in 21 CFR 1308.24.

The Acting Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to man or animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse, (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Acting Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts and suppliers of these products.

Pursuant to sections 3(c)(3) and 3(e)(2)(B) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Acting Administrator hereby certifies that this matter will have no significant negative impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The addition of preparations to the list of exempt chemical preparations has the effect of exempting them from sections of the Controlled Substances Act of 1970 and regulations. Those preparations deleted from the list are no longer marketed.

Therefore, pursuant to the Act, the regulations of the Department of Justice and the Drug Enforcement Administration, the Acting Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as hereinafter appears.

(Sec. 201, 202, 501(b), Controlled Substances Act, 21 U.S.C. 811, 812, 871(b))

Dated: February 4, 1982.

Francis M. Mullen, Jr.,

Acting Administrator.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

§ 1308.24 [Amended]

a. Section 1308.24(i) is amended by removing the following from the table in paragraph (i):

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
American Hospital Supply Corp. (Harleco Division).	[Delete this company and all products listed under this company]		
American Hospital Supply Corp. (Dade Division).	Phosphatase substrate No. B5312-1 and No. B5312-5	Bottle: 73 mg dry power	Jan. 22, 1973.
Becton, Dickinson & Co	Solid Phase T4 Radioimmunoassay Kit/1251/Catalog No. 232513, Catalog No. 232530, Catalog No. 232521.	Kit: 100, 200, or 400 test	Mar. 9, 1978.
Do	Solid phase T4 radioimmunoassay kit [1251] Catalog No. 232556	Kit: 2,000 tubes	Oct. 11, 1979.
Hyland Division Travenol Laboratories, Inc	T-1	Vial: 50 ml	Jan. 7, 1979.
Do	T-2	Vial: 20 ml	Do.
Do	T-3	do	Do.
Do	T-5	do	Do.
Do	T-6	Vial: 50 ml	Do.
Do	T-7	Vial: 20 ml	Do.
Do	T-8	do	Do.
Do	T-9	do	Do.
Do	T-12	do	Do.
Do	T-13	do	Do.
Do	T-15	do	Do.
Do	T-16	Vial: 50 ml	Do.
Do	T-17	Vial: 20 ml	Do.
Do	T-18	do	Do.
Do	T-19	do	Do.
Do	Z-1	Vial: 10 ml	Do.
Do	Z-2	do	Do.
Do	Z-5	Vial: 20 ml	Do.
Do	Z-7	do	Do.
Do	Z-8	Vial: 20 ml	Do.
Do	Z-9	Vial: 10 ml	Do.
Do	Z-10	do	Do.
Do	Z-15	Vial: 20 ml	Do.
Do	Z-16	do	Do.
Do	Z-17	Vial: 10 ml	Do.
Do	Z-19	Vial: 20 ml	Do.
Do	Z-20	do	Do.
Do	Z-22	Vial: 10 ml	Do.
Do	Z-23	do	Do.
Do	Toxicology survey ("T" Series)	Various vials	Dec. 10, 1979.
Research Triangle Institute	Delta-9 THC Plasma Standards Kit	Kit ctg: 12-2 ml ampuls, 1-5ml ampul	Feb. 18, 1981.

b. Section 1308.24(i) is amended by adding the following to the table in paragraph (i):

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Abbott Laboratories	TDx Phenobarbital Calibrator—0.0, 5.0, 10.0, 20.0, 40.0 and 80.0 mcg/ml	Kit ctg: 6 vials	Aug. 31, 1981.
Do	TDx Phenobarbital Controls—15.0, 30.0, 50.0 mcg/ml	Kit ctg: 3 vials	Do.
Do	Barbital Diluent Solution No. 6004A	Plastic bottle: 300 ml	Aug. 25, 1981.
American Hospital Supply Corp. (Dade Division.	Stratus Calibrator B	Vial: 2 ml	Dec. 15, 1981).
Do	Stratus Calibrator C	do	Do.
Do	Stratus Calibrator D	do	Do.
Do	Stratus Calibrator E	do	Do.
Do	Stratus Calibrator F	do	Do.
Do	Interlab. QAS Chemistry Control, Levels I and II	Kit ctg: 50-10 ml vials	Nov. 13, 1981.
Do	Moni-Trol.ES Level I.X, Chemistry Control, B5106-75	Vial: 10 ml	Oct. 21, 1981.
Do	Moni-Trol.ES Level II.X, Chemistry Control, B5106-85	do	Do.
Do	Bovine Chemistry Control Level I.X, Catalog No. B5107-1	Bottle: 10 ml 50 bottles/kit	Oct. 5, 1981.
Do	Bovine Chemistry Control Level II.X, Catalog No. B5107-2	do	Do.
Do	Stratus TDM Control Level I—Subtherapeutic	Bottle: 5 ml	Aug. 17, 1981
Do	Stratus TDM Control Level II—Therapeutic	do	Do.
Do	Stratus TDM Control Level III—Toxic	do	Do.
Amersham Corp	[1,2,7,8,-3H] Oxymorphone, No. TRK 677	Vial: 1 mCi, 0.25 mCi	Nov. 24, 1981.
Harleco, Division of EM Industries, Inc	Phosphatase Substrate, 65043C	Bottle: 73 mg dry power	Oct. 21, 1981.
Do	Clinicard, Pseudocholinesterase Test, No. 32307	Kit: 20 cuvettes	Do.
Do	Buffer Salt Mixture, Type B-1, No. 3947	Vial: 12.12 g	Do.
Do	Buffer Salt Mixture, Type B-2, No. 3948	Vial: 18.18 g	Do.
Hoffmann-La Roche, Inc	Agglutex Amphetamine Test Kit	Kit: 25, 100, or 200 tests	Aug. 28, 1981.
Do	Agglutex Amphetamine Latex Reagent	Vial: 2.5 ml, 5 ml	Do.
Do	Agglutex Amphetamine Positive Human Urine Control	Vial: 5 ml, 10 ml	Do.
Do	Agglutex Barbiturate Test Kit	Kit: 25, 100 or 200 tests	Do.
Do	Agglutex Barbiturate Latex Reagent	Vial: 2.5 m., 5 ml	Do.
Do	Agglutex Barbiturate Positive Human Urine Control	Vial: 5 ml, 10 ml	Do.
Do	Agglutex Methaqualone Test Kit	Kit: 25, 100, or 200 tests	Do.
Do	Agglutex Methaqualone Latex Reagent	Vial: 2.5 ml, 5 ml	Do.
Do	Agglutex Methaqualone Positive Human Urine Control	Vial: 5 ml, 10 ml	Do.
Do	Agglutex Morphine Test Kit	Kit: 25, 100, or 200 tests	Do.
Do	Agglutex Morphine Latex Reagent	Vial: 2.5 ml, 5 ml	Do.
Do	Agglutex Morphine Positive Human Urine Control	Vial: 5 ml, 10 ml	Do.
Do	Abuscreen Radioimmunoassay for Cannabinoids (125I)	Kit: 2,500 or 100 tests	Aug. 14, 1981.
Do	Abuscreen 125I-Tetrahydro-cannabinol Derivative	Vial: 500 ml, 20 ml	Do
Do	Abuscreen Positive Cannabinoid Urine Control 25, 50, 100, 200, 300, 400, or 500 ng/ml.	Vial: 100 ml, 4 ml	Do.
Hyland Division Travenol Laboratories, Inc	Advanced Toxicology Survey ("T" series)	Various vials	Nov. 25, 1981.
Do	Basic Toxicology Survey ("BT" series)	do	Do.
New England Nuclear	(+)-DMBB NET 735	Combi-Vial: 0.25 mCi, 1.0 mCi	Oct. 16, 1981.
Quin-Tec	Quin-Tec Brightener 402	Plastic pail: 5 gallons, plastic drum: 55 gallons.	Oct. 13, 1981.
Do	Quin-Tec Brightener 404	do	Do.
Research Triangle Institute	Delta-9 THC Plasma Standards Kit	Kit ctg: 16-2 ml ampuls, 1-5 ml ampul	Nov. 2, 1981.
Do	Delta-9 THC Blood Standards Kit	Kit ctg: 16-2 ml ampuls, 1-5 ml ampul	Oct. 26, 1981.
Do	Iodine Kit for Radioimmuno-assay of 11-Nor-9-carboxy-delta-9 THC in blood	Kit ctg: 26 1 ml ampuls, 2 20 ml vials, 2 250 ml bottles.	Do.
Do	Iodine Kit for Radioimmuno-assay of 11-Nor-9-carboxy-delta-9 THC in plasma	do	Do.
Do	11-Nor-9-carboxy-delta 9 THC Plasma Standards Kit	Kit ctg: 18-21 ml ampuls, 1-5 ml ampul	Do.
Do	11-Nor-9-carboxy-delta 9 THC Blood Standards Kit	do	Do.
SYVA Co	Emit-st Cannabinoid Assay	Vial: 3 ml 80 vials/kit	July 10, 1981.
Do	Emit-st Cannabinoid Calibrator	Vial: 3 ml, 2 vials/kit	Do.
Do	Emit-st Cannabinoid Controls	Vial: 3 ml, 2 vials/kit	Do.

[FR Doc. 82-7160 Filed 3-16-82; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7815]

Income Tax; Bad Debt Deduction for Thrift Institutions that Join in Filing Consolidated Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendment of final regulations.

SUMMARY: This document amends existing final regulations relating to the percentage bad debt deduction for thrift institutions that join in filing consolidated returns by changing the effective date of the regulations. The existing regulations would have been effective for taxable years beginning after December 31, 1980.

DATES: This document makes the existing regulations effective only for taxable years for which the due date (without extensions) for filing returns is after March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Benedetta A. Kissel 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, 202-566-3238, not a toll-free call).

SUPPLEMENTARY INFORMATION: .

Background

Section 1.1502-42 relates to the percentage bad debt deduction for thrift institutions that join in filing consolidated returns. Final regulations amending § 1.1502-42 were published in the **Federal Register** for August 9, 1979 (44 FR 46838) as T.D. 7637. Proposed amendments to those final regulations were published in the **Federal Register** for January 30, 1981 (46 FR 9965). The final regulations would have applied for taxable years beginning after December 31, 1980. The effect of this Treasury decision is generally to postpone the effective date one year. If the amendments proposed on January 30, 1981, are finalized, the effective date of the amendments will conform to this change in the effective date of the final regulations.

Drafting Information

The principal author of this regulation is Benedetta A. Kissel 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

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Accordingly, 26 CFR Part 1 is amended as follows:

Section 1.1502–42 is amended by revising paragraph (c), the heading of paragraph (d), and the first sentence of paragraph (d)(1). The revised provisions read as follows:

§ 1.1502–42 Mutual savings banks, etc.

* * * * *

(c) *Taxable income; taxable years for which the due date (without extensions) for filing returns is before March 15, 1983.* For taxable years for which the due date (without extensions) for filing returns is before March 15, 1983, a member's taxable income for purposes of section 593(b)(2) is determined under § 1.1502–27(b) (computed without regard to any deduction under section 593(b)(2)). In addition, for taxable years beginning after July 11, 1969, taxable income as computed under the preceding sentence is subject to the adjustments provided in section 593(b)(2)(E). See § 1.593–6A(b)(5).

(d) *Taxable income; taxable years for which the due date (without extensions) for filing returns is after March 14, 1983*—(1) *In general.* For a taxable year for which the due date (without extensions) for filing returns is after March 14, 1983, a member's taxable income for purposes of section 593(b)(2) is the portion of consolidated taxable income for purposes of section 593(b)(2) is the portion of consolidated taxable income attributable to the member.* * *

* * * * *

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impractical 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.

(Sec. 1502, 7805, Internal Revenue Code of 1954 (68A Stat. 367 and 917; (26 U.S.C. 1502 and 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 11, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 82–7169 Filed 3–12–82; 4:12 pm]

BILLING CODE 4830–01–M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 13

[Order No. 974–82]

Rewards Under the Atomic Weapons and Special Nuclear Materials Rewards Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This notice sets forth final regulations of the Department of Justice implementing the Atomic Weapons and Special Nuclear Materials Rewards Act. Under that Act, the Attorney General is given the responsibility to determine whether a person furnishing information to the United States concerning the illegal introduction, manufacture, acquisition or export of special nuclear material or atomic weapons or conspiracies relating thereto is entitled to a reward. These regulations constitute the Department's procedure for processing applications for rewards under the Act.

EFFECTIVE DATE: April 16, 1982.

FOR FURTHER INFORMATION CONTACT: Anne H. Shields, Land and Natural Resources Division, Room 2619, 10th and Pennsylvania Avenue, NW., Washington, D.C. 20530. (202–633–1442).

SUPPLEMENTARY INFORMATION: These regulations constitute the Department's procedure for implementing the Atomic Weapons and Special Nuclear Materials Rewards Act, 50 U.S.C. 47a–47f, passed by Congress to replace the previously instituted program administered by a now defunct Awards Board. The regulations set forth internal Department of Justice procedures.

The requirements of Executive Order No. 12291 (improving government regulations) do not apply to these procedures. These regulations do not constitute a "major rule" within the meaning of the Executive Order. These regulations will not cause a significant economic impact or other substantial effect on small entities; therefore, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 605(b), do not apply.

Accordingly, in order to adopt procedures for the Department of Justice to implement the Atomic Weapons and Special Nuclear Materials Rewards Act, 50 U.S.C. 47a–47f, and by virtue of the authority vested in me by 50 U.S.C. 47d, a new Part 13, to read as follows, is added to Chapter I of Title 28, Code of Federal Regulations:

PART 13—ATOMIC WEAPONS AND SPECIAL NUCLEAR MATERIALS REWARDS REGULATIONS

Sec.

13.1 Purpose.
13.2 Policy.
13.3 Definitions.
13.4 Procedures: Responsibilities of the Attorney General.
13.5 Procedures: Responsibilities of the Intra-departmental Committee.
13.6 Criteria.
13.7 Judicial review.

Authority: 50 U.S.C. 47d.

§ 13.1 Purpose.

This part implements the responsibility given to the Attorney General under the Atomic Weapons and Special Nuclear Materials Rewards Act, 50 U.S.C. 47a–47f, for determining what persons are entitled to a reward for furnishing certain original information to the United States pertaining to atomic weapons and special nuclear material.

§ 13.2 Policy.

This program is intended to reward the provision of original information regarding situations involving an illegal diversion, an attempted illegal diversion, or a conspiracy to divert special nuclear material or atomic weapons. The broad scope of this program is to help guard against the loss or diversion of such material and to prevent any use or disposition thereof inimical to the common defense and security.

§ 13.3 Definitions.

"Atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

"Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

"Original information" means information first supplied to the Federal government by the applicant, which was created or compiled through his own skill and judgment.

"Special nuclear material" means plutonium, or uranium enriched in the isotope 233 or in the isotope 235, or any other material which is found to be special nuclear material pursuant to the provisions of the Atomic Energy Act of 1954, 42 U.S.C. 2011 *et seq.*

"United States," when used in a geographical sense, includes Puerto Rico, all Territories and possessions of

the United States and the Canal Zone except in § 13.4(a)(4). In § 13.4(a)(4), "United States," when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

§ 13.4 Procedures: Responsibilities of the Attorney General.

When a submission is made to the Department of Justice for a reward under the Atomic Weapons and Special Nuclear Materials Rewards Act, the Attorney General shall:

(a) Refer such submission for review to an intra-departmental committee composed of the Assistant Attorneys General for the Land and Natural Resources Division, the Criminal Division, and the Office of Legal Counsel or their delegates;

(b) Review the proposed finding of the review committee and determine whether a reward is justified and the amount of same;

(c) Secure the approval of the President for any reward over $50,000;

(d) Jointly determine (along with the Secretary of State and the Director of Central Intelligence), if the award is to go to an alien, whether the entry of such alien into the United States is in the public interest and whether that alien and members of his immediate family may receive immigrant visas and be admitted to the United States for permanent residence, notwithstanding the requirements of the Immigration and Nationality Act;

(e) Notify any person claiming an award of the determination regarding the claim and the amount of the reward, if any. If no reward is determined to be justified, state the reasons, consistent with national security, for the denial;

(f) Certify and transmit, along with the approval of the President if necessary, any award to be made to the Director of Central Intelligence for payment out of funds appropriated or available for the administration of the National Security Act of 1947, as amended, 50 U.S.C. 401 *et seq;*

(g) Not certify any amount over $500,000.

§ 13.5 Procedures: Responsibility of the Intra-departmental Committee.

When the Attorney General refers a submission for a reward to the intra-departmental committee, this committee:

(a) Shall consult with the Nuclear Regulatory Commission and the Department of Energy regarding the reward;

(b) May consult with the Central Intelligence Agency and any other departments or agencies it deems appropriate to aid in the determination of whether a reward should be given and the proper amount of the reward;

(c) May hold hearings for the purpose of securing and evaluating information; a full hearing on the record with oral presentation and cross-examination is not required;

(d) Shall determine whether the information submitted fits one or more of the rewardable categories outlined in § 13.6;

(e) Shall determine whether the applicant is eligible for the reward. Federal employees and military personnel whose duties include investigating activities covered by this Act are not eligible for a reward for information acquired in the course of their investigation;

(f) Shall submit to the Attorney General a proposed finding as to eligibility and a recommendation for the amount of the reward within 60 days of the date of referral from the Attorney General, unless good cause is shown for extending the time of review.

§ 13.6 Criteria for reward.

(a) Information provided by any person to the United States for a reward under the Atomic Weapons and Special Nuclear Materials Rewards Act must be original, and must concern the unlawful:

(1) Introduction, manufacture or acquisition, or

(2) Attempted introduction, manufacture or acquisition of, or

(3) Export or attempt to export, or

(4) Conspiracy to introduce, manufacture, acquire or export special nuclear material or atomic weapons, or

(5) Loss, diversion or disposal or special nuclear material or atomic weapons.

(b) The amount of the reward shall depend on:

(1) The amount of the material recovered or potentially recoverable, and the role the information played in the recovery, and

(2) The danger the material posed or poses to the common defense and security or public health and welfare, and

(3) The difficulty in ascertaining the information submitted to claim the reward, and the quality of the information, and

(4) Any other considerations which the Attorney General or the intra-departmental committee deems necessary or helpful to the individual determination.

§ 13.7 Judicial review.

The decision of the Attorney General is final and conclusive and no court shall have power or jurisdiction to review it.

Dated: March 11, 1982.

William French Smith,

Attorney General.

[FR Doc. 82-7167 Filed 3-16-82; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6199

Alaska; Public Land Order No. 6098; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document corrects the land descriptions in Public Land Order No. 6098 of December 14, 1981, relating to opening lands in Alaska to operation of the general mining laws.

EFFECTIVE DATE: March 17, 1982.

FOR FURTHER INFORMATION CONTACT:

Beaumont C. McClure, Washington, D.C., (202) 343-6511, or

Julienne Gibbons, Alaska State Office (907) 271-5069, for Settlement Claims, or

Valliere Cacy, Alaska State Office (907) 271-5060, for Minerals.

By virtue of the authority vested in the Secretary of the Interior by subsection 204(a) of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1714(a), and by subsection 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1616(d)(1), it is ordered as follows:

1. The description of lands in subparagraph 1c of Public Land Order No. 6098 of December 14, 1981, as published in FR Doc. 81-36089 appearing at pages 61472 and 61473 in the issue of Thursday, December 17, 1981, which were opened to operation of the general mining laws, is hereby corrected and amended as follows:

a. Delete:

Kateel River Meridian

T. 17 S., R. 22 E.,
Secs. 34 to 36, inclusive.
T. 17 S., R. 23 E.,
Sec 13;
Secs. 20 to 23, inclusive;
Secs. 31 to 36, inclusive.
T. 17 S., R. 24 E.,
Secs. 1 to 4, inclusive;
Secs. 7 to 36, inclusive.
T. 17 S., R. 30 E.,
Secs. 19 to 21, inclusive;
Secs. 28 to 33, inclusive.

T. 18 S., R. 22 E., that portion lying outside the Nowitna National Wildlife Refuge.
T. 20 S., R. 26 E.,
Secs. 1 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 21 S., R. 24 E.,
Secs. 1 to 19, inclusive;
Secs. 21 to 32, inclusive;
Secs. 34 to 36, inclusive.

b. Add:

Kateel River Meridian

T. 17 S., R. 23 E., those portions of the following sections lying outside the Nowitna National Wildlife Refuge,
Sec. 13;
Secs. 24 to 36, inclusive.
T. 17 S., R. 24 E., those portions of the following sections lying outside the Nowitna National Wildlife Refuge,
Secs. 1 to 4, inclusive;
Secs. 7 to 36, inclusive.
T. 18 S., R. 22 E., those portions of the following sections lying outside the Nowitna National Wildlife Refuge,
Secs. 1 to 3, inclusive;
Secs. 9 to 16, inclusive;
Secs. 19 to 36, inclusive.

Fairbanks Meridian

T. 10 S., R. 22 W., those portions of the following sections lying outside the Denali National Park and Preserve,
Secs. 14, 22, 27, and 34.

2. This correction and amendment of Public Land Order No. 6098 changes only the description of the lands in subparagraph 1c which were opened to operation of the general mining laws on February 19, 1982, and does not serve to change any other provision of that order.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 8, 1982.

[FR Doc. 82-7157 Filed 3-16-82; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Thirty-Fourth Rev. S.O. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Thirty-fourth Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., March 17, 1982, and continuing in effect until 11:59 p.m., May 31, 1982, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840 or 275–1559.

SUPPLEMENTARY INFORMATION:

Decided: March 12, 1982.

Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for those operations.

In view of the urgent need for continued rail service over RI's lines pending the implementation of long-range solutions, this order permits carriers to provide service to shippers which may otherwise be deprived of essential rail transportation.

Appendix A, to the previous order, is revised by adding at Item 26, the authority for South Central Arkansas Railway, Inc. (SCAR), a subsidiary of Centrail Corporation, to operate between El Dorado, Arkansas, and Lillie, Louisiana, a distance of approximately 26.2 miles. This authority permits service where none is presently provided, and allows implementation of SCAR's court approved lease with the Trustee.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B to this Order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the named appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 Thirty-Fourth Revised Service Order No. 1473

(a) Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, trustee). Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least (30) thirty days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a) of this section, operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

1. In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to authorized

operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

1. The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., March 17, 1982.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized to be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (LA):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (PPU):*

A. All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

B. Mossville, Illinois (milepost 148.23) to Peoria, Illinois (milepost 161.0) including the Keller Branch (milepost 1.55 to 6.15).

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

4. *Toledo, Peoria and Western Railroad Company (TPW):*

A. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. *Chicago and North Western Transportation Company (CNW):*

A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota.

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364).

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0)

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2.).

J. From Iowa Falls (milepost 97.4) to Estherville, Iowa (milepost 206.9).

K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).

P. Sibley, Iowa.

Q. Worthington, Minnesota.

R. Altoona to Pella, Iowa.

S. Carlisle to Indianola, Iowa.

T. Omaha, Nebraska, (between milepost 502 to milepost 504).

U. Earlham, (milepost 388.6) to Dexter, Iowa (milepost 393.5).

V. Peoria Terminal Company trackage from Iowa Junction (RI milepost 164.32/PTC milepost .91) through Hollis, Illinois to the Illinois River bridge (milepost 7.40).

6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW):*

A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. Washington, Iowa.

C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

D. From Davenport to Iowa City, Iowa.

E. At Davenport, Iowa.

7. *Davenport, Rock Island and North Western Railway Company (DRI):*

A. Moline, Illinois.

B. Rock Island, Illinois, including 26th Street yard.

C. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex.

D. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island Arsenal.

8. *St. Louis Southwestern Railway Company (SSW):*

A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.

B. At North Topeka and Topeka, Kansas.

9. *Little Rock & Western Railway Company (LRWN):*

A. From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2).

B. From Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

10. *Missouri Pacific Railroad Company (MP):*

A. From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5).

B. From Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0).

C. From Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

D. From Wichita, Kansas (milepost 243.7) to Kechi, Kansas (milepost 235.9).

11. *Norfolk and Western Railway Company (NW):* Is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track, for the purpose of serving industries located adjacent to such tracks. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and

other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

12. *Cadillac and Lake City Railway Company (CLK):*

A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 2.7) all in the vicinity of Denver, Colorado, a distance of approximately 6.6 miles.

B. From Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8) all in the vicinity of Colorado Springs, Colorado, and Eastward from Colorado Springs to Falcon, Colorado (milepost 590.3), a total distance of approximately 25.1 miles.

C. From Simla, Colorado (milepost 558.3) to Colby, Kansas (milepost 387.0), a distance of approximately 171.3 miles.

D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado, a distance of approximately 83.8 miles.

13. *Baltimore and Ohio Railroad Company (BO):*

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

B. From Bureau, Illinois (milepost 114.12) to Henry, Illinois (milepost 126.94) a distance of approximately 12.8 miles.

14. *Keota Washington Transportation Company (KWTR):*

A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B. At Vinton, Iowa (milepost 120.0 to 123.0).

C. From Vinton, Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

15. *The La Salle and Bureau County Railroad Company (LSBC):*

A. From Chicago (milepost 0.60) to Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois. Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

B. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

C. From Gresham (subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milepost 14.5) at Chicago, Illinois.

D. From Pullman Junction, Chicago, Illinois, (milepost 13.2) running southerly to the entrance of the Chicago International Port, a distance of approximately five miles, for the purpose of bridge rights only.

16. *The Atchison, Topeka and Santa Fe Railway Company (ATSF):*

A. At Alva, Oklahoma.

B. At St. Joseph, Missouri.

17. *The Brandon Corporation (BRAN):*

A. From Belleville, Kansas (milepost 226.1), to Manhattan, Kansas (milepost 143.0), a distance of approximately 83 miles.

18. *Iowa Northern Railroad Company (IANR):*

A. From Cedar Rapids, Iowa (milepost 100.5), to Waterloo, Iowa (milepost 150.76).

B. From Shell Rock, Iowa (milepost 172.1), to Manly, Iowa (milepost 225.1).

C. At Vinton, Iowa, and west on the Iowa Falls Line to milepost 24.3.

19. *Iowa Railroad Company (IRRC):*

A. From Council Bluffs (milepost 490.15) to Dexter, Iowa (milepost 393.0) a distance of approximately 97.15 miles.

B. From Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.

C. From Hancock, Iowa (milepost 6.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.

20. *Missouri-Kansas-Texas Railroad Company (MKT):*

A. From Oklahoma City, Oklahoma (milepost 496.4) to McAlester, Oklahoma (milepost 365.0), a distance of approximately 131.4 miles.

21. *Chicago Short Line Railway Company (CSL):*

A. From Pullman Junction easterly for approximately 1000 feet to serve Clear-View Plastics, Inc., all in the vicinity of the Calumet switching district.

B. From Rock Island Junction westerly for approximately 3000 feet to Irondale Wye.

22. *Kyle Railroad Company (Kyle):*

A. From Belleville (milepost 187.0) to Caruso, Kansas (milepost 430.0), a distance of approximately 243 miles. KYLE will be responsible for the maintenance of the jointly used track between Colby and Caruso as mutually agreed upon with CLK, and for coordinating operations.

23. *North Central Texas Railway, Inc (NCTR):*

A. From Chico, Texas (milepost 562) to Dallas (North Junction), Texas (milepost 643.8).

B. Joint right-of-way district between Dallas (North Junction) and Endot, Texas (milepost 646.4).

24. *Enid Central Railway, Inc. (ENIC):*

A. From Enid, Oklahoma (milepost 345.27) to Kremlin, Oklahoma (milepost 330.03), including operations an the Ponca City Branch line from milepost 0.30 to milepost 0.02.

25. *North Central Oklahoma Railway, Inc. (NCOR):*

A. From Ponca City, Oklahoma (milepost 54.8) to North Enid, Oklahoma (milepost 0.30).

B. From Mangum, Oklahoma (milepost 97.2) to Chickasha, Oklahoma (milepost 0.0).

C. From Richards Spur, Oklahoma (milepost 486.45) to Anadarko, Oklahoma (milepost 463.39).

D. From Chickasha, Oklahoma (milepost 434.69) to El Reno, Oklahoma (milepost 400.31).

E. From El Reno, Oklahoma (milepost 513.31) to Yukon, Oklahoma (milepost 497.37).

+26. *South Central Arkansas Railway, Inc. (SCAR):*

A. From El Dorado, Arkansas (milepost 99) to Lillie, Louisiana (milepost 125.2).

+Added.

[FR Doc. 82-7229 Filed 3-16-82; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 47, No. 52
Wednesday, March 17, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1861 and 1951

Servicing of Community Program Loans and Grants

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to revise and redesignate its regulations pertaining to the servicing of Community Program Loans and Grants. This action results from an internal reorganization where loan and grant servicing functions have been transferred from county to district offices. The intended effects of this action are to clarify certain sections for easier understanding and provide a more effective and efficient method of assisting borrowers and grantees in all servicing functions.

DATES: Comments must be received on or before May 17, 1982.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: Harry Puffenberger, Loan Officer, Community Facilities Loan Division, Farmers Home Administration, U.S. Department of Agriculture, Room 6304, Washington, DC 20250, telephone: (202) 382-1490.

SUPPLEMENTARY INFORMATION: This proposed rule has been revised under USDA procedures established in Secretary's Memorandum 1512-1 which implements Executive Order 12291 and has been determined to be "nonmajor".

This proposed action has been determined "nonmajor" since the annual effect on the economy is less than $100 million and there will be no increase in costs or prices for individuals, organizations or other government agencies affected. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Charles W. Shuman, Administrator, has determined that this action will not have a significant economic impact on a substantial number of small entities because the changes will have little or no effect on any State or local government receiving grants from the FmHA, since this proposal is for the servicing functions of financial assistance previously made.

The present FmHA servicing regulation needs to be rearranged, and in some instances clarified, for easier understanding by the Servicing Office. This is being accomplished because of servicing functions which have been transferred from the county to district offices. In addition, certain changes in interest rates charged to eligible and ineligible applicants in transfers and assumptions are proposed. This will result in uniformity of interest rates charged to both public bodies and non-profit organizations and be consistent with the rates charged to Community Program borrowers.

Other than the proposed action, the alternative would be to take no action. However, to do so would leave the present instruction in a status which would not address the duties transferred from the county to district offices, and leave the instruction format in a less than desirable arrangement.

FmHA has reviewed the proposed changes and determined that they are cost-effective since they will provide for more efficient servicing actions while reducing FmHA Administrative costs.

The FmHA programs and projects which are affected by this instruction are subject to State and local clearinghouse review in the manner delineated in FmHA Instruction 1901-H.

This proposed rule affects the following programs as listed in the Functional Index of the Catalog of Federal Domestic Assistance: 10.408—Grazing Association Loans, 10.409—Irrigation, Drainage and other Soil and Water Conservation Loans, 10.414—Resource Conservation and Development Loans, 10.418—Water and Waste Disposal Systems for Rural Communities, 10.419—Watershed Protection and Flood Prevention Loans, 10.421—Indian Tribes and Tribal Corporation Loans, 10.423—Community Facility Loans, 10.424—Industrial Development Grants, 10.430—Energy Impacted Area Development Assistance Program.

Approval has been requested from the Office of Management and Budget for the reporting and recordkeeping requirements contained herein.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

FmHA proposes to revise and redesignate its regulations concerning the servicing of Community Program loans and grants from Part 1861 Subpart F, to a new Subpart E of Part 1951 of Chapter XVIII, title 7, Code of Federal Regulations. In addition to the overall restructuring of the regulation the following specific changes have been made:

1. Section 1951.203 is added to include definitions of certain specific terms. Among these are "Approval Official" and "Servicing Office."

2. Sections 1951.207(a) and (b) have been expanded to detail the distribution and application of regular and extra payments respectively.

3. Section 1951.207(d)(1) has been clarified with respect to the maintenance of insurance coverage by the borrower and monitoring of this coverage by FmHA.

4. Section 1951.207(e)(2) has been expanded to detail the information which is to be sent to the FmHA National Office when approval is required or when the State Director desires certain advice on subordination requests.

5. Section 1951.207(f)(2) has been expanded to detail the information which is to be sent to the National Office for reamortization requests.

6. Section 1951.207(h) has been expanded to detail the information

which is to be sent to the National Office when approval is required for consent of borrowers to lease security.

7. Section 1951.209 is expanded to detail information which is to be sent to the National Office regarding sale or exchange of borrower's security.

8. Section 1951.210(b)(1)(ii) is changed for uniformity in transfers and assumptions to eligible applicants, so that the interest rate specified in the note(s) or bond(s) being assumed will continue for both public bodies and non-profit borrowers.

9. Section 1951.210(c)(2)(ii) has been revised to allow ineligible applicants not more than 15 years to pay the remaining balance on a loan.

10. Section 1951.210(c)(3) is changed with regard to interest rates to ineligible transferees. The interest rate charged will be consistent with that charged to Community Program borrowers.

11. Section 1951.210(c)(4)(ii) is revised concerning the release of the transferor from liability when the security indebtedness assumed by the applicant equals the current market value. The release of liability may be granted when the terms to the applicant do not exceed five years from date of assumption.

12. Section 1951.210(d) has been revised to clarify information which is to be sent to the National Office for transfers and assumptions to both eligible and ineligible applicants.

13. Section 1951.211(b) has been added to distinguished mergers from transfers and assumptions.

14. Section 1951.214 has been revised to clarify the conditions for servicing when a water and/or waste disposal system becomes a part of an urban area due to growth of the urban community.

Therefore, it is proposed that Subpart F of Part 1861 be removed and reserved and a new Subpart E of Part 1951 be added to read as follows:

PART 1861—ROUTINE

§§ 1861.81-1861.102 (Subpart F)—[Removed and Reserved]

PART 1951—SERVICING AND COLLECTIONS

* * * * *

Subpart E—Servicing of Community Program Loans and Grants

Sec.

1951.201 Purpose.
1951.202 Objectives.
1951.203 Definitions.
1951.204 Nondiscrimination.
1951.205 Present market value determination.
1951.206 Redelegation of authority.
1951.207 General servicing actions.
1951.208 Liquidation of security.
1951.209 Sale or exchange of security property.
1951.210 Transfer of security and assumption of loans.
1951.211 Mergers.
1951.212 Special provisions applicable to Economic Opportunity (EO) Cooperative loans.
1951.213 Care, management and disposal of acquired property.
1951.214 Water and waste disposal systems which have become part of an urban area.
1951.215 Water and waste disposal, industrial development, and other grants.
1951.216 State Director's additional authorizations and guidance.
1951.217 Payments in full.
1951.218 State supplements.
1951.219 Forms.
1951.220 Servicing public bodies.
1951.221–1951.250 [Reserved]
Attachments:
Guide 1—Forms to be used in Processing Transfers and Assumptions.
Exhibit A—Report on Servicing Action.
Exhibit B—Agreement for New Member (With or Without Withdrawing Member).
Exhibit C—Agreement for Withdrawal of Member (Without New Member).

Authorities: 7 U.S.C. 1989; Agriculture, 7 CFR 2.23; Secretary for Rural Development, 7 CFR 2.70.

Subpart E—Servicing of Community Program Loans and Grants

§ 1951.201 Purpose.

This subpart prescribes the policies, authorizations, and procedures for servicing Community Water and Waste Disposal System loans and grants, Community Facility Loans, Industrial Development grants, loans for Grazing and other shift-in-land use projects, Association Recreation loans, Association Irrigationa nd Drainage loans, Watershed loans and advances, Resource Conservation and Development loans, Economic Opportunity Cooperative loans, loans to Indian Tribes and Tribal Corporations, loans to Timber Development Organizations, Rural Renewal loans and Energy Impacted Area Development Assistance Program grants.

§ 1951.202 Objectives.

Loan and grant servicing functions are directed toward assisting recipients to meet the objectives of the loans and grants, repaying loans on schedule, complying with agreements, and protecting the Farmers Home Administration's (FmHA) financial interest.

§ 1951.203 Definitions.

(a) *Approval official.* An official who has been delegated loan and/or grant approval authorities within applicable programs, subject to the dollar limitations of Exhibits B and C of Part 1901, Subpart A of this chapter.

(b) *Assumption of debt.* The means by which one party agrees to legally bind itself to pay the debt incurred by another.

(c) *Eligible applicant.* An entity that would be legally qualified for financial assistance under the particular loan or grant program involved in the servicing action.

(d) *Ineligible applicant.* An entity or individual that would be considered not eligible for financial assistance under the particular loan or grant program involved in the servicing action.

(e) *Servicing office.* The District or County Office responsible for the immediate servicing functions of the borrower or grantee.

§ 1951.204 Nondiscrimination.

Each instrument of conveyance for any servicing action under this subpart will contain the following covenant: "The property described herein was obtained or improved through Federal financial assistance. This property is subject to the provisions of Title VI of the Civil Rights Act of 1964 and the regulations issued pursuant thereto for so long as the property continues to be used for the same or similar purposes for which the Federal financial assistance was extended."

§ 1951.205 Present market value determination.

The value of security to be subordinated, sold, merged or transferred under this subpart is determined by the approval official as follows:

(a) *Security repesenting a relatively small protion of the total value of the security property.* The approval official will determine that the real estate and chattels are disposed of at a reasonable price. A current appraisal report may be required.

(b) *Security representing a relatively large portion of the total value of the security property.* The approval official will require a current appraisal report, and the sale prices of the real estate and chattels disposed of will at least equal the present market value, as determined by this appraisal.

(c) *Appraisal report.* If required, a current appraisal report will be completed in accodance with § 1942.3 of Subpart A of Part 1942 of this chapter. The appraisal will be completed by a qualified FmHA employee or an independent appriaser as determined appropriate by the approval official.

§ 1951.206 Redelegation of authority.

Servicing functions under this Subpart which are specifically assigned to the

State Director may be redelegated in writing to the appropriate Program Chief.

§ 1951.207 General servicing actions.

(a) *Regular payments.* Regular payments for Community Program borrowers are all payments other than extra payments and refunds. Regular payments are usually derived from facility revenues, and do not included proceeds from the sale of basic chattel or real estate security. Regular payments also include payments derived from sources which do not decrease the value of the government's security. Regular payments for Grazing Association, Irrigation, Drainage and Other Soil and Water Consevation, and indian Tribes and Tribal Corporation loan borrowers are defined in § 1951.8(a) of Subpart A of this Part 1951.

(1) *Distribution of regular payments* for the program areas covered by this instruction are made as follows:

(i) *Community Programs.* When a borrower owes one or more FmHA loans, regular payments received from the facility revenue will be distributed in accordance with the following priorities, except as otherwise established by the note or bond.

(A) First, to FmHA loans in proportion to the delinquencies existing on each. If the payment exceeds the amount of the delinquencies on each loan, the excess should be distributed according to § 1951.207(a) (1)(i)(B).

(B) Second, to FmHA loans in proportion to the approximate amounts due on each. If the payment exceeds the amount due on each loan for the year, then the excess should be distributed according to § 1951.207(a)(1)(i)(C).

(C) Third, as advance payments on FmHA loans. In making such distributions, consider the principal balance outstanding on each loan, the security position of the liens securing each loan, the borrower's request, and related circumstances.

(ii) *Grazing Association Loans, Irrigation, Drainage and other Soil and Water Conservation Loans, and Indian Tribes and Tribal Corporation Loans.* Distribution of regular payments will be made according to § 1951.9(a) of Subpart A of this Part 1951, except as otherwise established by the note or bond.

(2) Except as otherwise established by the note or bond, regular payments will be applied first to the interest accrued on the account as of the date of receipt of the payment. Any excess will be applied to the principal balance.

(b) *Extra payments.* Extra payments for Community Program borrowers are derived from sale of basic chattel or real estate security; refund of unused loan funds; cash proceeds of real property insurance as provided in § 1806.5(b) of Subpart A of Part 1806 (paragraph V B of FmHA Instruction 426.1); and transactions of a similar nature which reduce the value of basic security. Also, at the option of the borrower, regular facility revenue may be used as extra payments when regular payments are current.

(1) Distribution of extra payments for the program areas covered by this Instruction are as follows:

(i) *Community Programs* extra payments, except as otherwise established in the note or bond, will be applied to the account secured by the highest priority of lien on the property from which the extra payment was obtained. When the payment exceeds the unpaid balance of the FmHA lien having the highest priority, the balance of such payment will be distributed to the FmHA loan having the next highest priority. The amount to be applied to principal will be applied to the final unpaid installment(s).

(ii) *Grazing Association Loans, Irrigations, Drainage and other Soil and Water Conservation Loans, and Indian Tribes and Tribal Corporation Loans.* Distribution of extra payments will be made according to § 1951.(9) of Subpart A of this Part 1951.

(2) Application of extra payments for the program areas covered by this Instruction are as follows:

(i) *Community Programs* extra payments will be applied first to interest accrued to the date of the receipt and second to principal. The amount applied to principal will be applied to the final unpaid installment(s).

(ii) *Grazing Association Loans, Irrigation, Drainage and other Soil and Water Conservation Loans, and Indian Tribes and Tribal Corporation Loans.* Extra payments will be applied in accordance with § 1951.11(b)(2) of Subpart A of this Part 1951.

(c) *Collections.* Collections are processed according to Subpart B of this Part 1951.

(d) *Actions by FmHA for account of borrower, including advances for protection of security of lien.* (1) Community Program borrowers shall continuously maintain adequate insurance coverage as required by the loan agreement and § 1942.17(j)(3) of Subpart A of Part 1942. Ordinarily, FmHA should be listed as mortgage on the property insurance policies when FmHA has a lien on the property. Insurance coverage should be monitored to determine that adequate policies and bonds are in force. A copy of the fidelity bond(s) should be maintained in the borrower's case file. Other insurance policies are not required to be maintained in the file. For all other types of loans covered by this Subpart, property insurance will be serviced according to Subpart A of Part 1806 (FmHA Instruction 426.1) in real estate mortgage cases according to the loan agreement in other cases.

(2) Borrower's real property taxes are serviced according to Part 1863 (FmHA Instruction 425.1). If State statutes permit a personal property tax lien to have priority over FmHA's lien, personal property taxes are serviced according to § 1863.3 and § 1863.4 of Part 1863 (paragraph III and IV of FmHA Instruction 425.1).

(3) The State Director is authorized to approve vouchers to pay costs, without regard to any loan or total indebtedness limitation, to preserve and protect the security for (including insurance), or the lien, or priority of the lien securing the loan or other indebtedness owing to or insured by FmHA. Vouchers are prepared in an original and two copies using Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal." The name and address of the party to whom payment is due is inserted in the heading. The amount of the vouchered items is inserted in the appropriate spaces. The notation inserted in the space for description of the services includes the purpose of the payment, the location and a simple description of the property, the name and case number of the borrower, and the fact that the amount will be charged to the borrower's account. A sample notation costs could be as follows:

> For payment of water rights of real property in *(community), (state), (case no.), (loan type code)* for the period of July 15, 19—, through August 19—, to be charged to the borrower's loan account.

After the voucher has been approved by the State Director, the original with any attached reports is sent to the Finance Office. One copy is held in the borrower's servicing office loan docket and one copy is given to the borrower. After the voucher has been processed in the Finance Office, the U.S. Treasury Check is issued to the appropriate payee and mailed to the servicing office for delivery. The purpose of the payment is stated on each check. Any amount advanced is entered as a recoverable charge on the borrower's account in the Finance Office. The advance bears interest at the rate specified in the most recent debt instrument under which the advance is authorized to be made. After the check is issued, Form FmHA 451–26,

"Transaction Record," is prepared by the Finance Office and sent to the appropriate servicing office, showing the amount of the recoverable charge and the applicable rate of interest. Protective advances are not to be used as a replacement for a loan.

(e) *Surbordination of security*—(1) *Request for subordination.* When a borrower requests FmHA to subordinate a security instrument so that another creditor or lender can refinance, extend, reamortize, or increase the amount of a prior lien, or place a lien ahead of the FmHA lien, it will submit a written request to the servicing office which may be Form FmHA 465–1, "Application for Partial Release, Subordination or Consent." This request should contain the purpose of the subordination, exact amount of money or property involved, description of security property to be subordinated, type of security instrument, name, address, line of business and other general information pertaining to the party in favor of which subordination is requested, and other pertinent information which will be of assistance in determining need for subordination. Requests for subordination will be submitted to the National Office, except that the approval official is authorized to execute subordination on Form FmHA 460–2, "Subordination by the Government," if all the following requirements and conditions are met:

(i) The amount of the subordination does not exceed the approval official's loan approval authorizations as set forth in Exhibits B and C of Subpart A of Part 1901.

(ii) The borrower is unable to refinance the FmHA mortgage on terms which the borrower can reasonably be expected to meet.

(iii) The transaction will either further the objectives for which the FmHA loan was made or improve the borrower's debt-paying ability and, in either case, result in the FmHA debt being adequately secured.

(iv) The terms and conditions of the prior lien will be such that borrower can reasonably be expected to meet them as well as all other debts.

(v) Any proposed development work will be planned and performed according to Appendix B of Subpart A of Part 1942 or in a manner directed by the creditor which reasonably attains the objectives of Subpart A of Part 1942.

(vi) All contracts, pay estimates, and change orders will be reviewed and concurred in by the FmHA State Director.

(vii) In case of land purchase, the FmHA will obtain a mortgage on the purchased land.

(viii) When the transaction involves more than $1,000 and the approval official considers it necessary, a present market value appraisal report will be obtained. However, a current appraisal report need not be obtained if there is an appraisal report not over one year old in the file which will permit the proper determination as to the present market value of the total property after the transaction.

(ix) The subordination is for a specific amount.

(x) The proposed action will not so change the nature of the borrower's activities as to make it ineligible for FmHA loan assistance.

(2) *Processing.* All subordinations, including those pertaining to pledges of revenue, but excluding those affecting other chattel liens, will be closed according to Office of the General Counsel (OGC) instructions. When National Office approval is required or the State Director desires advice pertaining to a requested subordination, the borrower's case file will be sent to the National Office and will include—

(i) Current balance sheet, income statement and budget (budget on Form FmHA 442–2, "Statement of Budget, Income, and Equity", schedules 1 and 2);

(ii) Copy of proposed lien;

(iii) Appraisal report;

(iv) Borrower's written request on Form FmHA 465–1;

(v) OGC opinion on the requested subordination;

(vi) Exhibit A of this subpart, appropriately completed, including recommendations and comments by the District Director, Program Chief, and State Director; and

(vii) Any other necessary supporting information.

(f) *Loan reamortization.* (1) The State Director is authorized to approve reamortization of loans for borrowers having a delinquency which cannot be brought current within one year while maintaining a reasonable reserve when all of the following conditions exist:

(i) The debt(s) to be reamortized does not exceed the State Director's loan approval authorization.

(ii) The borrower has demonstrated for at least one year by actual performance or has presented a budget which clearly indicates that it is able to meet the proposed payment schedule.

(iii) There is no extension of the final maturity date.

(2) Proposals for reamortization exceeding the limits set in § 1951.207(f)(1) and those evidenced by notes which are not delinquent, may be reamortized with prior approval of the National Office. Requests fowarded to the National Office will contain the borrower's current case file which includes:

(i) Current budget and cash flow prepared on Form FmHA 442–2, schedules 1 and 2;

(ii) Current balance sheet;

(iii) Current income statement;

(iv) Exhibit A of this Subpart, appropriately completed, including recommendations and comments by the District Director, Program Chief, and State Director.

(v) Form FmHA 451–33, "Reamortization Request (Association Loan);" and

(vi) Any other necessary supporting information.

(3) *Processing.* (i) Borrowers requesting reamortization that have loans secured by notes will complete Form FmHA 451–33. Ordinarily the entire note including principal and interest is reamortized. Reamortization is accomplished through the use of a new evidence of debt unless the OGC recommends that the terms of the existing document be modified through the use of Form FmHA 451–33, or if that is legally inadequate, through the use of another appropriate form. Interest will be at the original rate.

(ii) Borrowers with loans secured by bonds may effect reamortization by procedures which in the opinion of the borrower's counsel and the OGC are legally permissible under State law and acceptable to the State Director. The procedure may include a new debt instrument for the total FmHA indebtedness including the delinquency, or a new debt instrument or agreement whereby the borrower agrees to repay the delinquency plus interest at the original bond rate over a determined number of years.

(iii) When a new debt instrument or agreement for only the delinquency is used, it will contain—

(A) The amount delinquent (which should equal the total of the delinquency of the account, the unpaid principal on the advance from the fund, and the accrued interest on the advance from the fund through the date of reamortization, less interest payments credited on the advance account);

(B) The date of reamortization;

(C) The number of years over which the delinquency will be reamortized; and

(D) The repayment schedule.

This type of agreement will, after execution, be retained by the Finance Office. A new loan number will be assigned to the reamortization of the delinquency. The borrower will be required to pay the amount due on the reamortized loan plus its regular

scheduled installments on the loan. Appendix C of Part 1942, Subpart A applies to any necessary new bonds except where precluded by State statutes or where an exception is approved by the National Office.

(iv) The properly executed new instrument(s) or endoresement, as appropriate, are handled as follows:

(A) *Notes.* The original new note should be attached to the existing note(s) and filed in the servicing office and retained by FmHA until the respective account is paid in full or otherwise satisfied. A copy of the endorsement will be forwarded to the Finance Office.

(B) *Endorsement.* Any endorsement required by OGC to accomplish reamortization will be attached to the existing note and retained in the servicing office until the respective account is paid in full or otherwise satisfied. A copy of the endorsement will be forwarded to the Finance Office.

(C) *Bonds.* State statutes regarding the reamortization of bonds may vary. Therefore, each State Office will work closely with OGC in the handling of bonds. If the State statutes do not require the release of the existing bonds, these will be held in the Finance Office and the new bond instructions or agreement will be forwarded to the Finance Office, attached to the original bond(s), and retained by FmHA until the respective account is paid in full or otherwise satisified. If State statutes require the release of the existing bonds, the exchange will be accomplished by the District Director and the new bonds and/or agreement will be forwarded to the Finance Office in the usual manner.

(g) *Consent to borrower's granting lease of security*—(1) *State Director's consent.* The State Director may consent to the leasing of all or a portion of security property when—

(i) The lease will not adversely affect the repayment of the loan or the Government's rights under the security or other instruments;

(ii) Leasing is not an alternative to, or means of, delaying liquidation action;

(iii) The lease and use of any proceeds from the lease will further the objectives of the loan;

(iv) Rental income is assigned to FmHA in an amount sufficient to make regular payments on the loan, and operate and maintain the facility unless such payments are otherwise adequately secured; and

(v) The lease is advantageous to the borrower and is not disadvantageous to the Government.

(vi) If foreclosure action has been approved and the case has been submitted to OGC, consent to lease and use of proceeds will be granted only with OGC's concurrence.

(vii) The lease shall not exceed a one-year period. The property may not be under lease more than two consecutive years without authorization from the National Office. Refer to § 1951.207(g)(3) for processing.

(2) *Mineral leases.* Unless liquidation is pending, the State Director is authorized to approve mineral leases when—

(i) The lessee agrees in the lease or elsewhere, or is liable without any agreement, to pay adequate compensation for any damage to the real estate surface and improvements. Damage compensation will be assigned to the FmHA or the prior lienholder by the use of Form FmHA 443–16, "Assignment of Income from Real Estate Security," or other appropriate instrument;

(ii) Royalty payments are adequate and are assigned to FmHA on Form FmHA 443–16;

(iii) All or a portion of delay rentals and bonus payments may be assigned on Form FmHA 443–16 if needed for protection of the Government's interest;

(iv) The lease, subordination, or consent form is acceptable to the OGC; and

(v) The lease will not interfere with the purposes for which the loan or grant was made.

(3) *Processing.* When FmHA's consent to a lease is required, the borrower will complete and submit Form FmHA 465–1. The form will include the terms of the proposed lease and will specify the use of proceeds including any proceeds to be released to the borrower. When another lienholder's mortgage requires consent to lease, the lienholder's consent will be obtained. When the approval of the National Office is required or if the State Director wishes a lease transaction reviewed prior to approval, the borrower's case file will be forwarded to the National Office and will include—

(i) A copy of the proposed lease;

(ii) Exhibit A of this Subpart appropriately completed, including recommendations and comments by the District Director, Program Chief, and State Director; and

(iii) Any other necessary supporting information.

(h) *Third party operation, maintenance, and management of a facility.* The State Director may authorize a facility to be operated, maintained, or managed by a third party under a contract, management agreement, or written lease in accordance with § 1942.17(b)(3) of Part 1942, Subpart A. In such cases, the borrower shall retain ultimate responsibility for operating, maintaining, and managing the facility, and for its continued availability and use at reasonable rates and terms.

(i) *Membership liability.* As a loan approval requirement, some borrowers may have special agreements with members for the purchase of shares of stock or for the payments of a pro-rata share of the loan in event of default, or they may have in their corporate instruments authority to make special assessments in that event. The agreements may be referred to as individual liability agreements and may be assigned to the held by the FmHA as additional security for the loan. In other cases the borrower's note may be endorsed by individuals. The liability instruments will be serviced in a manner indicated by their contents and the advice of OGC to adequately protect the interest of the FmHA.

(j) *Other security.* Other security such as collateral assignments, water stock certificates, notices of lienholder interest (Bureau of Land Management grazing permits) and waivers of grazing privileges, (Forest Service grazing permits) will be serviced to protect the interest of FmHA, and under any special servicing actions developed by the State Director with the OGC's assistance. Evidence of the security will be filed in the loan docket in the servicing office. A notation will be made on Form FmHA 1905–10, "Management System Card—Association," showing necessary servicing action.

(k) *Correcting errors in security instruments.* Land, buildings, or chattels included in the mortgage through mutual mistake when substantiated by the factual situation may be released from the mortgage by the State Director. The release is contingent on the State Director, with the advice of the OGC, determining that a mutual error existed at the time the property was included in the Government's mortgage.

§ 1951.208 Liquidation of security.

When the District Director believes that continued servicing will not accomplish the objectives of the loan the District Director will complete a report using the format shown in Exhibit A of this Subpart, and submit it along with the District Office file to the State Office. If the State Director determines the account should be liquidated, the State Director will encourage the borrower to voluntarily sell the property and remit the proceeds to FmHA. The State Director will give the borrower a specified period of time, not to exceed 180 days, to accomplish the action. If the

voluntary sale cannot be accomplished, the loan will be liquidated according to § 1951.210 or Subpart A of Part 1955.

§ 1951.209 Sale or exchange of security property.

(a) *General.* In cases where a substantial loss to the Government will result from the sale or the prospective buyer is a member(s) of the borrower's organization, the State Director will forward all pertinent information regarding the sale to the National Office prior to making any commitment. This information will include—

(1) Borrower's case file;

(2) Exhibit A of this Subpart appropriately completed, including recommendations of the District Director, Program Chief, and State Director;

(3) Appraisal report; and

(4) Name of purchaser, anticipated sale price, terms and conditions.

It is not FmHA's policy to sell security property to a member(s) of the borrower's organization at a price which will result in a loss to the Government.

(b) *Authorities.* Subject to the conditions of this section, the *District Director* is authorized to approve a cash sale of all or a portion of the borrower's assets or an exchange of security property when only chattels are involved. The State Director is authorized to approve real estate transactions. Approvals may be given when the approval official determines that—

(1) The consideration is adequate;

(2) The release will not prevent carrying out the purpose of the loan;

(3) The remaining property is adequate security for the loan or the transaction will not adversely affect FmHA's security position;

(4) If the property to be sold or exchanged is to be used for the same or similar purposes for which the loan or grant was made, the purchaser will execute Form FmHA 400–4, "Assurance Agreement". This will remain in effect as long as the property continues to be used for the same of similar purposes for which the loan or grant was made; and

(5) The proceeds (after paying any reasonable and necessary selling expenses) are used for one or more the following purposes:

(i) To pay on FmHA debts according to § 1951.207 (a) and (b), on debts secured by a prior lien, and on debts secured by a subsequent lien if it is to FmHA's advantage.

(ii) To purchase or to acquire through exchange property more suitable to the borrower's needs, if the FmHA secured debt will be as well secured after the transaction as before.

(iii) To develop or enlarge the facility if the action is necessary to (A) improve the borrower's debt-paying ability, (B) place the operation on a sounder basis, and (C) otherwise further the objectives of the loan.

(6) The FmHA liens will not be released until the appropriate sale proceeds are received for application on the Government's claim. In any State in which it is necessary to obtain the insured note from the lender to present to the recorder before a release of a portion of the land from the mortgage, the borrower must pay any cost for postage and insurance of the note while in transit. The District Director will advise the borrower when it requests a partial release that it must pay these costs. If the borrower is unable to pay the costs from personal funds, the costs may be deducted from the sale proceeds. The amount of the charge will be based on the statement of actual cost furnished by the insurer lender.

(c) *Processing partial security release.* When a borrower requests permission to sell or exchange a portion of FmHA's security property, it will complete Form FmHA 465–1, "Application for Partial Release, Subordination, or Consent," for real estate or form FmHA 462–2, "Written Consent to Sell and Statement of Conditions on which Lien will be Released," for chattels. For real estate transactions the District Director will forward (1) Form FmHA 465–1, (2) the appropriate appraisal report, (3) the District Office loan docket including an executed Form FmHA 400–4, (4) the District Director's recommendation, and (5) all other pertinent information to the State Director.

(d) *Releasing security*—(1) *Chattel security.* The District Director is authorized to satisfy or terminate chattel security instruments when § 1951.209(b) and § 1962.17 of Subpart A of Part 1962 have been complied with. Satisfaction or termination of chattel security instruments will be accomplished according to § 1962.27 of Subpart A of Part 1962. Partial release may be made by using Form FmHA 460–1, "Partial Release," or Form FmHA 462–12, "Statements of Continuation, Partial Release, Assignment, etc." Form FmHA 460–4, "Satisfaction," will be used when a debt has been paid in full or satisfied by debt settlement action.

(2) *Real estate.* Subject to § 1951.209(b), the State Director is authorized to consent to disposition of a part or all of an interest in real estate security by approving Form FmHA 465–1. Partial release of real estate security may be made by use of Form FmHA 460–1 or other form approved by OGC. Form FmHA 460–4, or other form approved by OGC, will be used when a debt has been paid in full or satisfied by debt settlement action.

(e) *Release of liability.* (1) When the FmHA debt is paid in full from the sale of proceeds, the borrower will be released from liability by use of Form FmHA 465–8, "Release from Personal Liability."

(2) When sale proceeds are not sufficient to pay the FmHA debt in full and all security property has been disposed of, the remaining debt will be accelerated and the case reclassified to collection only according to FmHA Instruction 404.1.

§ 1951.210 Transfer of security and assumption of loans.

(a) *General.* It is not FmHA's policy to transfer security property to a member(s) of the borrower's organization at a price which will result in a loss to the Government. Transfers and assumptions may be approved subject to the following conditions:

(1) Transfers to eligible applicants will receive preference over transfers to ineligible applicants if recovery to FmHA from the sale price is not less than it would be if the transfer were to an ineligible applicant.

(2) The present borrower is unable or unwilling to accomplish the objectives of the loan and the transfer will be to the Government's advantage.

(3) If the debt(s) exceeds the present market value of the security, the transferee will assume an amount at least equal to the present market value.

(4) If the FmHA debt is less than the present market value, the transferee will assume an amount at least equal to the debt owed the FmHA.

(5) The transfer will not adversely affect the FmHA program in the area.

(6) FmHA concurs in the plans for disposition of funds in the transferor's debt services, reserve, and operation and maintenance account.

(b) *Eligible applicants.* (1) Transfers to eligible applicants are made as follows:

(i) The State Director is authorized to apprrove transfers of security property to and assumptions of FmHA debts by transferees who would be eligible for the type of loan being transferred.

(ii) If the terms of the loan are changed, Form FmHA 460–5, "Assumptions Agreement (New Terms)", will be executed by a non-public body transferee. The new repayment period may not exceed the lesser of the repayment period for a new loan of the type involved or the expected life of the collateral securing the loan. The interest rate specified in

the note(s) or bond(s) being assumed will continue.

(iii) If the full debt is assumed and the same interest rate and terms will prevail, the transferee will execute Form FmHA 460–9, "Assumption Agreement (Same Terms—Eligible Transferee)".

(iv) When the property to be transferred is to be used for the same or similar purposes for which the loan or grant was made, to avoid any doubt as to the continuation of the nondiscrimination covenants, the transferee will execute Form FmHA 400–4.

(v) A loan for which the transferee is eligible may be made in connection with a transfer, subject to the policies and procedures governing the kind of loan being made.

(vi) If the transferor is to receive a payment for its equity, the total FmHA debt must be assumed.

(2) Release of transferor from liability. Transferors may be released from personal liability under the following conditions;

(i) When all FmHA security is transferred to an eligible applicant and the total outstanding debt is assumed, it will be the policy to release the transferor from liability.

(ii) In those cases where the security is transferred to an eligible applicant and an amount at least equal to the present market value of the security will be assumed, the transferor may be released from liability if the State Director determines that the transferor does not have reasonable debt-paying ability considering its assets and income at the time of the transfer, and the County Committee certifies that the transferor has cooperated in good faith, used due diligence to maintain the security property against loss, and has otherwise fulfilled the covenants incident to its loan to the best of its ability. If the County Committee recommends release of liability, the County Committee must execute a memorandum containing the following statement:

———— in our opinion does not have reasonable debt-paying ability to pay the balance of the debt not assumed after considering its assets and income at the time of the tranfer. The transferors have cooperated in good faith, used due diligence to maintain the security against loss, and otherwise fulfilled the covenants incident to the loan to the best of its ability. Therefore, we recommend that the transferor be released of liability upon the transferee's assumption of that portion of the indebtedness equal to the present market value of the security.

(c) *Ineligible applicants.* Transfers are considered only when needed as a method for servicing problem cases when an eligible transferee is not available. Transfers should not be considered as a means by which members can obtain in equity or as a method of providing a source of easy credit for purchasers. Transfers are made as follows:

(1) State Directors are authorized to approve all transfers of incorporated Economic Opportunity Cooperative loans to ineligible applicants.

(2) For all other loans covered by this Subpart, the State Director is authorized to approve a transfer of indebtedness to, and assumption of loan by, a transferee who does not meet the eligibility requirements for the kind of loan being assumed when the ineligible applicant will:

(i) Make a significant downpayment.

(ii) Agree to pay the remaining balance within not more than 15 years. Annual installments will be at least equal to the amount amortized over a period not greater than the remaining life of the debt being transferred and the balance will be due the fifteenth year.

(3) Interest rates to ineligible transferees will be the current highest rate charged to community program borrowers on the date the transfer is approved, and according to the following:

(i) Transferees must have the ability to pay the FmHA debt according to the assumption agreement and must have the legal capacity to enter into the contract. The applicant will submit a current balance sheet and may use Form FmHA 442–3, "Balance Sheet." This information should be supplemented by a credit report from an independent source such as Dun and Bradstreet or verified by an independent certified public accountant. In all transfers, consideration will be given to obtaining individual liability agreements from members of the transferee organization.

(ii) The transferee will execute Form FmHA 465–5, "Transfer of Real Estate Security," modifies as appropriate.

(iii) Where the property to be transferred is to be used for the same or similar purposes for which the loan or grant was made, the transferee will execute Form FmHA 400–4.

(iv) This Subpart does not preclude the transferor from receiving equity payments when the full amount of the FmHA debt is assumed. However, equity payments will not be made on more favorable terms than those on which the balance of the FmHA debt will be paid.

(4) Release of transferor from liability may be granted by the State Director as follows:

(i) When the full amount of the debt is assumed; or

(ii) When the transferee assumes that portion of the security indebtedness at least equal to the current market value of the security property on terms not to exceed five annual installments from the date of assumption, and the determinations, certifications, and recommendations of § 1951.210(b)(2)(ii) are made.

(d) *Submission to National Office.* Under any of the following conditions, a proposed transfer or assumption, will be forwarded to the National Office for prior review and approval before making any commitments:

(1) Where a loss to the Government will result;

(2) The prospective transferee is a member(s) of the present borrower's organization;

(3) Proposals for transfer or assumption are made on more liberal terms that set forth in § 1951.210(c)

(4) Proposals for a cash downpayment to the present borrower in an amount which exceeds actual sales expenses; or

(5) Water and Waste Disposal loans representing indebtedness for projects financed in part by FmHA development grants.

(6) All submissions to the National Office will contain:

(i) Transfer case file.

(ii) OGC comments on the proposed transfer or assumption.

(iii) Appropriate forms according to Guide 1 for transferee. When the transferee is a public body, transfer and assumption documents prepared by the transferee will be included.

(iv) Any other necessary supporting information.

(e) *Processing transfers and assumptions.* Refer to Guide 1 for a listing of forms to be processed in connection with all transfers and assumptions either to eligible or ineligible applicants. The District Director will submit these forms to the State Director. The following conditions also apply: In cases where the transferee is a public body and Forms FmHA 460–5 and 460–9 are not suitable, the transferee's should prepare the documents necessary to effect the transfer and assumption, and submit these for approval (with OGC concurrence) by FmHA.

(1) *Effective date of transfer* is the actual date the transfer is closed, which is the same date Form FmHA 460–5, Form FmHA 460–9, or other appropriate assumption agreement is signed.

(2) *Accrued interest* entered in Table I of either Forms FmHA 460–5 or 460–9, or other appropriate assumption

agreement, is computed on either: Form FmHA 451–11, "Statement of Account," Form FmHA 451–25, "Status of Account," or Form FmHA 451–26.

(3) *Form FmHA 460–5.* If this form is used, the transferee should be informed of the amount needed to be on schedule by the next installment due date.

(4) *Form FmHA 460–9.* If this form is used, the transferee will be informed of the amount of principal and interest owed as shown on the latest "Transaction Record" or "Statement of Account." The transferee will also be advised as to the amount that would be required to place the account on schedule as of the previous installment due date and any amounts that must be paid to bring any payments up to date.

(5) *Title to all assets* will be conveyed from the transferor to the transferee unless other arrangements are agreed upon by all parties concerned, including FmHA.

(6) *Lien judgments or claims.* There must be no lien, judgment, or other claims of parties other than FmHA against the security being transferred unless the transferee is willing to accept the claims and the FmHA approving official determines that the claims will not affect the transferee's ability to repay FmHA's debt, meet all operating and maintenance costs, and maintain the required reserves. The written consent of any other lienholder will be obtained where required.

(7) *If an insured loan is involved,* the Finance Office will have the insured "note" assigned to the fund when the "Assumption Agreement" changes the terms of note or bond.

(8) *The transferee will obtain insurance* according to the requirements for the outstanding loan(s) involved unless the approval official requires additional insurances as a condition of approval. If insurance is required, it may be obtained either by transfer of the existing coverage by the transferor or by acquisition of a new policy by the transferee. When the full amount of the FmHA debt is being assumed and an amount has been advanced for insurance premiums or any other purposes the transfer will not be completed until the Finance Office has charged the advance to the transferor's account.

(9) *The parties to the transfer* are responsible for obtaining the legal services necessary to accomplish the transfer.

(10) *Transfer closings* are accomplished according to OGC instructions.

(11) *When the transferee will be an eligible applicant,* any development funds not to be refunded remaining in the transferor's supervised bank account will be transferred to the transferee's supervised bank account simultaneously with the closing of the transfer for use in completing planned development. All funds remaining in the supervised bank account will be refunded to FmHA as a condition of transfer to an ineligible applicant.

(12) *Forms transmitted to Finance Office.* The following forms will be sent immediately to the Finance Office:

(i) Forms FmHA 460–5, 460–9 (original and signed copy for insured loan) or other appropriate assumption agreement.

(ii) Form FmHA 451–2, "Schedule of Remittance," when applicable.

(iii) Form FmHA 465–8 when applicable, signed copy.

(13) *If the transfer or assumption is not within the State Director's approval authority under this Subpart,* the docket will be forwarded along with the State Director's recommendations to OGC for review and comment. Upon receipt of OGC's comments, the file will be sent to the National Office, including the documentation indicated in § 1951.210(d)(6).

(14) *Assumption agreement, release from personal liability receipts.* Forms FmHA 460–5 or FmHA 460–9, FmHA 451–2 and FmHA 465–8 will be completed and executed simultaneously with the closing transaction, in each case where the full amount of the debt is assumed or a release from personal liability is otherwise approved under this subpart, and all of the security is being transferred.

(f) *Transfers not completed.* If for any reason the transfer is not completed after approval, the Finance Office will be notified to resume servicing of the account in the name of the existing borrower.

§ 1951.211 Mergers.

(a) *General.* State Directors are authorized to approve mergers or consolidations (which are herein referred to as mergers) when the resulting organization will be eligible for an FmHA loan and assumes all the liabilities and acquires all the assets of the merged borrower. Mergers may be approved when:

(1) The merger is in the best interest of the Government and the merging borrower.

(2) The resulting borrower can meet all required operating and maintenance expenses, debt repayment, and maintain required reserves.

(3) All security property can be legally transferred to the resulting borrower.

(4) The membership of each organization involved is made aware of the proposed merger, a majority of the members of each favors the proposal, and there is compliance with all applicable requirements of State law.

(b) *Distinguished from transfers and assumptions.* Mergers occur when one corporation combines with another corporation in such a way that the first corporation ceases to exist as a separate entity while the other continues. In a consolidation, two or more corporations combine to form a new, consolidated corporation, with the original corporations ceasing to exist. In both mergers and consolidations, the surviving or emerging corporation takes the assets and assumes the liabilities of the corporations which ceased to exist. Such transactions must be distinguished from transfers and assumptions in which a transferor will not necessarily go out of existence, and the transferee will not always take all the transferor's assets, nor assume all the transferor's liabilities. Procedures relating to transfers and assumptions appear above at §1951.210.

(c) *Processing mergers.* Processing is made according to all applicable items of § 1951.210(e) (1) through (14). In addition:

(1) *When reamortization* of one or more notes is proposed in connection with the merger, § 1951.207(f) will be followed.

(2) If the loan is held by an insured lender, then the loan will be assigned to FmHA.

(d) *Merger not completed.* If for any reason the merger is not completed after the statement of the account has been received, the Finance Office will be notified to resume servicing of the account in the name of the existing borrower.

§ 1951.212 Special provisions applicable to Economic Opportunity (EO) Cooperative loans.

(a) *Withdrawal of member and transfer to and assumption by new members of Unincorporated Cooperatives.* (1) Withdrawal of a member who is no longer utilizing the services of an association and transfer of withdrawing member interest in the association to a new member who will assume the entire unpaid balance of the indebtedness of the withdrawing member may be permitted, if the remaining members agree to accept the new member and the transfer will not adversely affect the collection of the loan. The Servicing Office will submit to the State Office the borrower case file and the following—

(i) Form FmHA 460–9, executed by the proposed new member;

(ii) Statement of the current amount of the indebtedness involved;

(iii) A description and statement of the value of the security property;

(iv) A memorandum to justify the transaction;

(v) Form FmHA 440–2, "County Committee Certification or Recommendation";

(vi) Form FmHA 450–12, "Bill of Sale (Transfer by Withdrawing Member)," executed by the withdrawing member; and

(vii) Exhibit B of this subpart, "Agreement for New Member (with or Without Withdrawing Member)," as executed by remaining members of the association, the proposed new member, and the withdrawing member.

(2) If, after review of the above information, the State Director determines that the proposed new member is an eligible applicant and that the transfer is justified, the State Director may approve the transfer and assumption by executing Form FmHA 460–9.

(3) Upon completion of the above actions, the State Director may release the outgoing member from personal liability. Form FmHA 465–8 will be used for this purpose.

(4) Form FmHA 460–9 and, if applicable, Form FmHA 465–8 should immediately be forwarded to the Finance Office and the Finance Office advised by memorandum that these forms are intended only to establish liability for a new member and release an old member from liability.

(b) *Withdrawal of members from Unincorporated Cooperatives.*—(1) *Withdrawal when new member not available.* Withdrawal of a member who is no longer utilizing the services of an association may be permitted even though a new member is not available, if:

(i) The State Director determines that:

(A) The remaining members have sufficient need for the property, and

(B) The withdrawal of the member will not adversely affect the collection of the loan.

(ii) The remaining members obtain from the outgoing member an agreement conveying the outgoing member's interest in the cooperative property to them. They may also wish to agree to protect the outgoing member against liability on the debt owed to FmHA as well as any other debts. Exhibit C of this subpart, "Agreement for Withdrawal of Member (Without New Member)," may be used by the cooperative for the preparation of the agreement. The agreement will be between the withdrawing member and the remaining members of the cooperative; FmHA will not be a party to it.

(c) *Addition of new members (no withdrawing member or transfer involved) for both Incorporated and Unincorporated Cooperatives.* (1) A new member may be admitted to the association even though there is no withdrawing member, if:

(i) The members of the association agree to accept the proposed new member, and

(ii) The State Director determines that the association owns adequate facilities to provide service to the new member.

(2) The Servicing Office will submit to the State Office the Servicing Office file and the following:

(i) Form FmHA 460–9 executed by the proposed new member;

(ii) Servicing Office statement of the current amount of the indebtedness involved:

(iii) A description and statement of the value of the security property;

(iv) A memorandum to justify the transaction;

(v) Form FmHA 440–2; and

(vi) Exhibit B as executed by the members of the association and the proposed new member.

(3) If, after review of the above information, the State Director determines that the proposed new member is an eligible applicant and the transaction is justified, the State Director may approve the transaction by executing Form FmHA 460–9.

(4) Form FmHA 460–9 should immediately be forwarded to the Finance Office and the Finance Office advised by memorandum that the form is intended only to establish liability for a new member.

(d) *Deceased members of Unincorporated Cooperatives.* Paragraph 10 of Form FmHA 442–24, "Operating Agreement," provides that in case of the death of any member, the heirs or personal representative of the deceased member shall take the deceased member's place in the association. This provision also covers sale of the decedent's interest in the association in case the sale is necessary for the payment of the debts of the estate.

(1) If the heirs or personal representative do not wish to continue membership in the association, the remaining members may be permitted to continue to operate the property if FmHA's financial interest will not be jeopardized. The remaining members should obtain from the deceased member's estate an agreement conveying the estate's interest in the cooperative property to them. The remaining members may wish to agree to protect the estate against liability on the debt to FmHA as well as any other debts of the cooperative.

(2) The requirement of § 1962.46(h) of Subpart A of Part 1962 will also be followed.

(e) *Action which affects individual members of Unincorporated EO Cooperative security.* The borrower will be expected to protect the borrower's own interest in condemnation, trespass, quiet title, and other cases affecting the security. The Servicing Office will immediately furnish the complete facts concerning any action taken against individual members of Unincorporated Cooperatives to the State Director together with the Servicing Office case file.

§ 1951.213 Care, management and disposal of acquired property.

Property acquired by FmHA will be handled according to Subparts B and C of Part 1955.

§ 1951.214 Water and waste disposal systems which have become part of an urban area.

(a) *Servicing.* Water and/or waste disposal systems serving what were formerly rural areas, but which have become part of an urban area due to the growth of an urban community are serviced as follows:

(1) Service may not be curtailed or limited by the inclusion of a system within an urban area;

(2) The borrower may continue to operate the system; or

(3) The borrower may agree to transfer the system to the urban community, provided that:

(i) The urban community will purchase the facility and immediately pay the FmHA debt in full; or

(ii) The urban community will accept a transfer of the FmHA debt on an ineligible applicant bases; or

(iii) If paragraph (a)(3) (i) and (ii) of this section are not practical, and with the prior approval of the National Office, the urban community will operate and maintain the system on the basis of a lease-purchase arrangement with the FmHA borrower whereby:

(A) The urban community will:

(*1*) Assume responsibility for operation and maintenance of the facility, subject to nondiscrimination requirements and other requirements to be specfied in the agreement between the parties which are applicable to the borrower, and

(*2*) Pay the association annually an amount necessary to enable it to meet all its obligations including reserve account requirements.

(B) The FmHA borrower will:

(*1*) Retain its corporate existence until FmHA has been paid in full, and if the parties desire,

(*2*) Convey title of the facility to the urban community when the FmHA debt has been paid in full.

(C) The provisions of § 1951.207(g)(1)(vii) are not applicable to such lease-purchase arrangements.

(b) *Processing.* The State Director, with advice and guidance of OGC, will review the proposed agreement drafted by the borrower or the urban community. This draft agreement with the docket, any additional pertinent information, the State Director's recommendation, and OGC's comments will be forwarded to the National Office for review and approval authorization.

§ 1951.215 Water and waste disposal, industrial development, energy impacted area development assistance and other grants.

All grants are to be supervised and serviced to assure that the terms and conditions of the grant are met. In any case where it appears that the terms or conditions of the grant may have been violated, the State director will forward the docket to OGC for review and comments. After receipt of OGC's comments, the State Director will forward the docket, together with a copy of OGC's comments, statement of the essential facts, and the State Director's recommendations, to the National Office for further action.

§ 1951.216 State Diector's additional authorizations and guidance.

(a) *Promote financing purposes and improve or maintain collectibility.* State Directors are authorized to perform the following functions when they determine that the action is likely to promote the loan or grant purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan:

(1) Approve requests for permission to make changes in rules and regulations of recipients whether included in bylaws or resolutions or ordinances including changes in rate schedules and fees.

(2) Give approval for recipient to incur additional indebtedness subject to applicable FmHA instructions.

(3) Renew existing security instruments.

(4) Approve, with OGC's concurrence, charges in a recipient's legal organization including revisions of articles of incorporation or charter and bylaws.

(5) Approve the extension or expansion of facilities and services.

(6) Require additional security when (i) existing security is inadequate and the loan or security instruments obligate the borrower to give security or (ii) in cases where the loan is in default and additional security is acceptable in lieu of other servicing actions.

(7) Release from mortgages securing Rural Renewal loans properties being sold by the borrower, if the notes and mortgages given by the purchaser to the borrower are equal to the present market value and are assigned and pledged to the FmHA, and any money payable to the borrower is applied as an extra payment on the Rural Renewal loan.

(8) Approve requests for rights-of-way, easements, and for any necessary subordination connected with rights-of-way or easements.

(b) *Referrals to National Office.* All proposed servicing actions which the State Director is not authorized by this Subpart to approve will be referred to the National Office.

§ 1951.217 Payment in full.

Payment in full of a loan is handled according to Part 1866 (FmHA Instruction 451.4). The District Director will notify the bonding company in writing that the Government no longer has an interest in the fidelity bond. The District Director will release the FmHA's interest in insurance policies according to the applicable provisions of Subpart A of Part 1806 (FmHA Instruction 426.1). The District Director will release the FmHA interest in any other security in the manner prescribed by the State Director.

§ 1951.218 State Supplements.

State Supplements will be prepared with the advice and guidance of OGC, as necessary, to carry out this subpart. Each State Supplement will include all particular information necessary to comply with appropriate State laws and regulations.

§ 1951.219 Forms.

Forms referred to in this Subpart may need to be modified in instances where the forms were designated for application to individuals rather than for corporate execution.

§ 1951.220 Servicing public bodies.

Servicing actions involving public bodies will be processed if feasible, according to the provisions of this subpart. The State Director is authorized to vary from the provisions to any extent that the State Director, with the advice and concurrence of OGC, determines reasonably appropriate to accomplish the servicing action.

§ 1951.221–1951.250 [Reserved]

FmHA Instruction 1951–E

(Guide 1)

FORMS TO BE USED IN PROCESSING TRANSFERS AND ASSUMPTIONS

Form FmHA No.	Name of form	Total number of copies	Number signed by transferee	Transfer docket
400–4	Assurance Agreement	2	1	1.
442–1 [3]	Appraisal Report (farm tract)	1		1.
422–8 [3]	Property Information and Appraisal Report (rural housing nonfarm tract).	1	1–O	O.
426–1 [1]	Valuation of Buildings	1		O.
440–2 [1]	County Committee Certification or Recommendation	1		O.
440–9	Supplementary Payment Agreement	2	1–O	O and 1–C.
442–3	Balance Sheet	2	1–O	O.
442–7	Operating Budget	2	1–O	O and 1–C.
442–10 [2]	Appraisal Report-Water and Waste Disposal Systems.	4		1.
451–11 [1]	Statement of Account	1		O.
451–25 [1]	Status of Account	1		1.
451–26	Transaction Record	1		1.
460–5 [1]	Assumption Agreement (new terms)	4	1–O	O and 1–C.
460–9 [1]	Assumption Agreement (same terms—eligible transferee).	4	1–O	O and 1–C.
465–5	Transfer of Real Estate Security	2	1–0	O and 1–C.
465–8 [1]	Release from Personal Liability	3		O and 2–C.
	A Memorandum Containing Recommendations	1		1.
Exhibit A [1]	Report on Servicing Action	2		O and 1–C.
	Transferee's Written Proposal	1	1	1.

O—original; C—copy.
[1] When applicable.
[2] For Water and Waste Disposal Systems.
[3] For Community Program other than Water and Waste Disposal.

BILLING CODE 3410–07–M

FmHA Instruction 1951-E
Exhibit A

REPORT ON SERVICING ACTION

Name of Borrower:	State County Case No.
Address:	Type of Assistance Loan ☐ Insured ☐ Direct ☐ Grant ☐ Date Facility Placed in Operation

Section I (Complete for all financial assistance)

1. FmHA Financial Assistance History

Loan Amounts (initial first)	Date Closed	Int. Rate	No. Yrs	Principal Balance	Interest Accrued	Ahead (Behind) Schedule Principal	Interest
$				$	$	$	$
$				$	$	$	$
$				$	$	$	$
$				$	$	$	$

Grant Amounts (initial first)	Date Closed
$	
$	
$	
$	

Principal & interest balances as of _____

Annual ☐ Monthly ☐ Payment $_____

Membership or Connection fee $_____

Monthly dues or user rate $_____

2. Debts Owed - Non FmHA

To Whom Owed	Amount	Annual Monthly Payment ☐	Amt. Ahead (Delinquent)	Purpose of Loan	How Secured
	$	$	$		
	$	$	$		
	$	$	$		
	$	$	$		

Were Outside Debts Authorized by FmHA? _____

3. Present Market Value: (required for subordination, sales, transfers, exchanges, assumptions & mergers)

		Value determined by:
Land	$_____	Appraisal report (enclose copy) ☐
Building	$_____	
Equipment	$_____	Estimate ☐
Other	$_____	Other
Total	$_____	

4. Memberships, Users (Recreation, Water & Waste)

(a) Number required at closing _____
(b) Actual at closing _____
(c) Members-Users, last 5 years _____ _____ _____ _____ _____
year ( ) ( ) ( ) ( ) ( )
(d) Explain lower than required membership at loan closing and decreases in recent years. _____
(e) Amount of delinquency in dues or charges $_____ as of _____. Number of members-users delinquent _____
(f) Past steps taken to increase members-users. _____
(g) Can members be assessed? _____ If yes, when? _____

5. Occupancy, Patient Days, Clinic Visits (Health Care) (as appropriate)

(a) at loan closing _____
(b) past 5 years _____ _____ _____ _____ _____
( ) ( ) ( ) ( ) ( )
(c) reasons for decreases in recent years. _____

Section II

Complete The Following, As Appropriate, For All Servicing Actions Except Subordination & Lease Of Security

1. Type of action requested:
   ☐ Reamortization ☐ Liquidation ☐ Sale or Exchange
   ☐ Transfer & Assumption ☐ Merger

2. Description of the facility.

3. Describe the problem.

4. Condition of Facilities
   (a) building
   (b) equipment
   (c) land
   (d) Water System (well-lines, treatment plant-storage, etc)
   (e) Sewer System (lines, manholes, lagoons, treatment facilities)

5. Is Board of Directors carrying out responsibilities? (Explain No's)

6. Is management adequate? (Explain No's)

7. Explain the condition and adequacy of records, financial data and reports.

8. Explain the general attitude of community leaders, civic clubs, Mayor, industry, etc. toward the facility.

9. Is there any general consensus among those interviewed on the need for any specific changes in the policies or practices of the project? For example, do they think the charges are too high or too low, certain phases should be eliminated, or certain services added? (Explain)

10. Comments on other like facilities in the area.

11. Is the Board willing to close out enterprise which is losing money or causing unsavory reputation?
    Explain:

12. Action requested to solve the problem.

13. If liquidation is initiated, what are the alternative uses of the project?

14. Reamortization Only
    (a) Total amount to be reamortized $
    (b) New monthly ☐ annual ☐ payment $
    (c) Rate & terms

15. Sales, Transfers, Liquidations, Mergers, etc.

    Complete as appropriate:
    (a) Sale or transfer price $
    (b) Estimate selling expense $
    (c) Anticipated loss to government $
    (d) Proposed transaction date
    (e) Terms & conditions:

16. Comments and Recommendations: All three must be completed

(a) District Director

Date _____ District Director _____

(b) Program Chief

Date _____ Chief, Community Programs _____

(c) State Director

Date _____ State Director _____

FmHA Instruction 1951-E
Exhibit B

AGREEMENT FOR NEW MEMBER

(With or Without Withdrawing Member)

THIS AGREEMENT, entered into this _____ day of _____, 19____,

WITNESSETH THAT,

WHEREAS, _____
(Names of Members except any Withdrawing Member)
_____,
herein called "present members", who comprise all the members *[except the withdrawing member indicated below] of _____
(Name of
_____, an unincorporated cooperative association,
Association)
herein called "Association", are indebted jointly and severally to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, herein called the "Government", for a loan under section 303 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2852), as evidenced by a promissory note dated _____ 19____, in the face amount of $_____ ; and

WHEREAS, the members of the Association executed an Operating Agreement dated _____, 19____, herein called "Operating Agreement", describing the organizational structure of the Association, the rights and obligations of the members and the manner in which the affairs of the Association are to be conducted; and

WHEREAS, with the proceeds of said loan the Association purchased _____
(Kind of Property Purchased)
to be used jointly by the members; and

WHEREAS, the members are jointly and severally liable as partners for all debts of the Association, and each member has an equal undivided interest in all property and assets of the Association; and

*[WHEREAS, _____, herein called "withdrawing member", is no longer utilizing the services of the Association and desires to withdraw his/her membership therein; and]
(Name of Withdrawing Member)

WHEREAS, _____, herein called "new member",
(Name of New Member)
desires to become a member of the Association and the present members have agreed to accept him/her as a member;

NOW THEREFORE, in consideration of the mutual agreements contained herein, the parties hereto covenant and agree as follows:

1. The present members agree to and hereby accept the new member as a member of the Association from the date hereof, with all the rights, duties, and obligations appertaining to such membership as provided in the Operating Agreement.

2. The business of the Association shall be carried on in the same manner and subject to the same agreements and provisions as provided in the Operating Agreement, as fully and effectually as if the same were contained in this Agreement.

3. The new member hereby agrees to, and agrees to be bound by, all agreements and provisions of the Operating Agreement, the same as if he/she had executed the same as of the date thereof, and hereby assumes and agrees to be jointly and severally liable for all present and future debts and obligations of the Association, and he/she agrees specifically to assume liability on a promissory note in the face amount of $_____, dated _____, 19____, made by the Association to the Government, and to execute such instrument(s) as the Government may require in connection with such assumption.

4. The new member further agrees to and assumes all obligations and agreements contained in any instruments executed by the Association as security for or supplementary to said promissory note, including but not limited to the Assignment of Income dated _____, 19____, and the Security Agreement **(Chattel Mortgage) dated _____, 19____, executed by the Association in favor of the Government, the same as if he/she had signed the same as of the date thereof.

5. This agreement is subject to the approval of the Government, acting through the County Supervisor of the Farmers Home Administration.

*[6. The withdrawing member hereby agrees and acknowledges that he/she will no longer have any property right or other interest in the Association or the property of the Association, and that he/she will simultaneously herewith execute and deliver a bill of sale transferring and assigning to the new member his/her interest in the property of the Association.]

*[7. The present members hereby jointly and severally agree to pay and save harmless the withdrawing member as to all past, present and future debts and obligations of the Association, including but not limited to that certain indebtedness to the Government evidenced by the aforesaid promissory note.]

Approved:

_____
(Present Member)

_____
(Present Member)

_____
County Supervisor
Farmers Home Administration
United State Department of Agriculture

_____
(Present Member)

_____
(New Member)

*[_____
(Withdrawing Member)]

*(Omit material in brackets when no withdrawing member is involved)
**(Use "Chattel Mortgage" in lieu of "Security Agreement" in any state where the UCC has not been adopted.)

BILLING CODE 3410-07-C

AGREEMENT FOR WITHDRAWAL OF MEMBER
(Without New Member)

THIS AGREEMENT, entered into by and between _____ (Name of Withdrawing Member), party of the first part, and _____ (Names of Remaining Members), parties of the second part,

WITNESSETH THAT, in consideration of the mutual agreements contained herein, the parties hereto agree as follows:

1. Party of the first part hereby grants, bargains and sells to parties of the second part all his/her right, title and interest in _____ (Name of Association), herein called the "Association", and in the partnership property and assets of the Association.

2. Parties of the second part hereby jointly and severally agree to pay and save harmless the withdrawing member as to all past, present and future debts and obligations of the Association, including but not limited to that certain indebtedness to the Farmers Home Administration, United States Department of Agriculture, evidenced by a promissory note dated _____, 19____, in the face amount of $_____.

Executed this _____ day of _____, 19____.

_____
(Party of the First Part)

_____

_____

_____

_____
(Parties of the Second Part)

(7 U.S.C. 1989; Agriculture, 7 CFR 2.23; Secretary for Rural Development, 7 CFR 2.70)

Dated: February 22, 1982.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 82-7228 Filed 3-16-82; 8:45 am]

BILLING CODE 3410-07-M

FARM CREDIT ADMINISTRATION

12 CFR Part 615

Funding and Fiscal Affairs; Proposed Miscellaneous Amendments

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, publishes for comment proposed amendments to its regulations. The amendment to § 615.5105 allows the Farm Credit banks to use debt management policies to control the amount of outstanding discount notes as an alternative to maintaining formalized commercial bank lines of credit. The proposed amendment to § 615.5150 will require each bank board to adopt policies regarding the formulation of electronic data processing (EDP) and word processing programs. Such policies shall require each bank of the Farm Credit System to develop short- and long-term EDP plans for the bank and any land bank associations or production credit associations for which it has supervisory responsibility. Bank board policies and bank EDP plans shall be subject to Farm Credit Administration prior approval. The amended § 615.5350 implements provisions of the Farm Credit Act amendments of 1980, Pub. L. 96-592, and authorizes the Federal land banks to make patronage distributions out of net earnings.

DATE: Written comments must be received on or before May 18, 1982.

ADDRESSES: Comments or suggestions should be submitted in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for inspection by interested persons in the Office of Director, Congressional and Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20578, (202-755-2181).

PART 615—FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

Part 615 of Chapter VI, Title 12 of the Code of Federal Regulations is amended as shown:

Subpart C—Issuance of Bonds, Notes, Debentures and Similar Obligations

1. Section 615.5105 is amended by revising paragraph (c) to read as follows:

§ 615.5105 Consolidated systemwide notes.

* * * * *

(c) Each bank shall either identify in its debt management policy (required under § 615.5104) a maximum amount of discount notes that can be outstanding at any one time, or maintain unencumbered formalized lines of credit from commercial banks or other financial institutions at least equal to one-third of its participation of notes outstanding.

* * * * *

Subpart E—Investments

2. Section 615.5150 is amended by revising paragraph (c) as follows:

§ 615.5150 Real and personal property.

* * * * *

(c) Each bank board shall adopt policies to provide bank management with direction in the formulation of electronic data processing (EDP) and word processing (WP) programs. These policies shall require the management of each bank to develop short- and long-term plans to forecast the EDP and WP hardware, software, and communications requirements of the bank and any associations for which it has supervisory responsibility. In accordance with such plans, bank management shall formally approve the purchase or lease of computer systems by the bank or an association, and any replacement equipment, additional components, and data terminals to ensure compatibility between the bank and its associations, adherence to Farm Credit System EDP standards, and efficiency of operation. The establishment of computer centers, acquisition of mainframe processors, creation of teleprocessing networks, and major software development efforts shall be addressed in the bank's long-term plan. Bank board policies shall require prior FCA approval. Bank plans shall require FCA approval whenever FCA determines that the EDP operation of a bank does not meet acceptable standards of efficiency or effectiveness.

* * * * *

Subpart K—Surplus and Reserves

3. Section 615.5350 is revised to read as follows:

§ 615.5350 Federal land bank earnings.

Any bank may pay patronage refunds out of the whole or part of net earnings which remain after the restoration of the amount of any impairment of capital stock and the maintenance of a reserve account as provided in section 1.17(a) of the Act. Patronage refunds may only be distributed to borrowers and shall be in the form of allocated equities or cash or both under policies prescribed by the bank's board of directors and approved by the Farm Credit Administration. A bank may make a patronage refund indirectly through an association which shall make a corresponding patronage distribution of like kind and equivalent value to the borrower.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621 (12 U.S.C. 2243, 2246 and 2252))

Donald E. Wilkinson,

Governor.

[FR Doc. 82-7161 Filed 3-16-82; 8:45 am]

BILLING CODE 6705-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EN-FRL-2077-3]

Regulation of Fuels and Fuel Additives; Change in Date of Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: This notice announces the rescheduling of the public hearing for EPA's proposed lead phasedown regulation for gasoline refineries announced at 47 FR 7812 (February 22, 1982), a change in hearing location, an extension of the comment period, and an

extension of the deadline for submitting a request to testify.

DATES: The comment period has been extended from May 3, 1982 to May 17, 1982. The public hearing has been rescheduled from April 1–2, 1982 to April 15–16, 1982. Requests to testify should be submitted by March 24, 1982. Those who have already requested to testify need not resubmit their request.

ADDRESS: The public hearing has been relocated from room 2409, EPA, 401 M Street SW, Washington, D.C. to the Hyatt Arlington (at Key Bridge), 1325 Wilson Boulevard, Arlington, Virginia, Ravensworth Ballroom, 9 a.m.–5 p.m.

Requests to testify should be sent to the Director, Field Operations and Support Division (EN–397), EPA, 401 M Street SW, Washington, D.C. 20460.

Comments should be sent to Docket No. A–81–36, Central Docket Section (A–130), Environmental Protection Agency 401 M Street, SW, Washington, D.C. 20460. The docket is located in the West Tower Lobby of EPA, 401 M Street SW, Washington, D.C., and may be inspected between 8 a.m. and 4 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Richard G. Kozlowski, Director, Field Operations and Support Division (EN–397), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Telephone (202) 382–2633.

SUPPLEMENTARY INFORMATION: EPA regulations currently require all refineries except small refineries to meet a 0.5 gram per gallon (gpg) standard for average lead content in gasoline. Small refineries are currently required to meet less stringent standards; on October 1, 1982, they were to become subject to the 0.5 gpg standard.

On February 22, 1982 EPA published in the **Federal Register** (47 FR 7812) a proposed rule for revision of these regulations. In this rulemaking, EPA will consider whether general relaxation or rescission of the 0.5 gpg standard is warranted. EPA will also consider whether small refineries should be subject to different standards than other refineries because of different economic impact. In the interim, EPA has proposed suspending the October 1, 1982, effective date for small refinery compliance with the 0.5 gpg standard.

Dated: March 10, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 82–7230 Filed 3–16–82; 8:45 am]

BILLING CODE 6560–33–M

40 CFR Part 86

[AEN–FRL–2077–2]

Application for Waiver of Effective Date of the 1981 Model Year Carbon Monoxide Emission Standard for Light-Duty Motor Vehicles; Request for Public Comments and Opportunity for Hearing

AGENCY: Environmental Protection Agency (ERA).

ACTION: Request for public comments and notice of opportunity for a hearing.

SUMMARY: This notice requests public comment and provides interested parties with an opportunity to request a hearing to consider an application that Checker Motors Corporation (Checker) submitted to EPA on February 23, 1982. The application is for a waiver of the 1981 model year carbon monoxide (CO) exhaust emission standard for its 3.8 liter (L) and 4.4L engine families which it purchased from General Motors Corporation (GM).

DATES: EPA has scheduled a public hearing on March 24, 1982, beginning at 9:00 a.m. to consider Checker's waiver application. Parties desiring to testify should notify the Manufacturers Operations Division, as noted below, not later than March 22, 1982.

Interested parties may also submit written comments to the public docket on this waiver application until March 26, 1982, to ensure that the Administrator can consider these comments in evaluating this waiver application. If no party testifies at the hearing, EPA will consider the waiver application based on written submissions to the record.

ADDRESSES: The hearing will be held at the Manufacturers Operations Division Conference Room, 499 South Capitol St., SW., 3rd floor, Washington, D.C. 20460. Parties wishing to testify at the hearing should notify Mr. Michael Chernekoff as noted below. Parties wishing to submit written comments should direct their submissions to the Director, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Information submitted by Checker and GM in relation to a similar application, as well as any comments received from interested parties, will be available for public inspection and copying in EPA Public Docket EN–81–6, located in EPA's Central Docket Section (A–130), Gallery I, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN–340), 401 M St., SW., Washington, D.C. 20460, (202) 382–2521.

SUPPLEMENTARY INFORMATION: Section 202(b)(5) of the Clean Air Act, as amended (Act), 42 U.S.C. 7521(b), authorizes EPA to waive application of the 1981 and 1982 model year statutory CO emission standard applicable to light-duty motor vehicles and engines upon the request of a manufacturer for a specific vehicle model if the Administrator makes certain findings specified under section 202(b)(5)(C) of the Act. Under section 202(b)(5)(C), the Administrator may grant such a waiver only if the Administrator finds that protection of the public health does not require attainment of the statutory CO standard of 3.4 gpm for those model years and vehicles for which the waiver is sought. In addition, a waiver may be granted only if the Administrator determines that (1) such waiver is essential to the public interest or the public health and welfare of the United States, (2) the applicant has made all good faith efforts to meet the established standards, (3) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy, and (4) studies and investigations of the National Academy of Sciences and other information available to the Administrator have not indicated that technology, process, or other alternatives are available to meet such standards.

On February 23, 1982, Checker submitted an application for a waiver of the 1981 model year statutory CO standard for its 3.8L and 4.4L engine families. These engine families were manufactured by GM's Chevrolet Motor Division and were used in 1981 Checker model A–11, A–11E, A–12 and A–12E vehicles. GM has also submitted an application for a waiver of its version of these 3.8L and 4.4L engine families. The Administrator has indicated an intention to grant GM's application (47 FR 972 (January 8, 1982)).

I am now requesting public comments and providing an opportunity for a public hearing. EPA plans to hold the hearing on March 24, 1982. The procedures under which the hearing will be held are the same as those EPA has employed for previous CO hearings (see 46 FR 21629 (April 7, 1981)).

Interested parties may submit written comments to the public docket until March 26, 1982, to ensure that the Administrator can consider those comments in formulating the waiver decision. At the hearing, the Agency will make a verbatim record of the proceedings. Interested persons may obtain a copy of the transcript from the Manufacturers Operations Division or the Public Docket by so arranging with the reporter during the hearing. The Administrator will base determinations with regard to Checker's waiver requests on the record of the public hearing, if any, the record pertaining to the GM application referred to above and on any other relevant written submissions submitted to, or otherwise included in, the record. This information will be available for public inspection at the EPA Central Docket Section in docket number EN–81–6. Interested parties may obtain copies of documents in the public docket as provided in 40 CFR Part 2.

Dated: March 10, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 82–7163 Filed 3–16–82; 8:45 am]

BILLING CODE 6560–26–M

40 CFR Parts 122, 123, 124, and 146

[WH–FRL–2077–4]

Idaho Department of Water Resources; Underground Injection Control Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency has received a complete application from the Idaho Department of Water Resources requesting approval of its for Underground Injection Control program; (2) The application is available for inspection and copying; (3) Public comments are requested; and (4) A public hearing will be held.

This notice is required by the Safe Drinking Water Act as a part of the response to the State's request to implement an Underground Injection Control Program in Idaho.

The proposed comment period and public hearing will provide EPA the breadth of information and public opinion necessary either to approve, disapprove, or approve in part and disapprove in part the application from the Idaho Department of Water Resources to regulate all Classes of injection wells.

DATES: Requests for public hearing and to present oral testimony should be filed within thirty (30) days of this notice. A Public Hearing is tentatively scheduled for April 16, 1982 form 7:00 p.m. to 9:00 p.m. The Public Comment period closes April 29, 1982. If sufficient public interest is not expressed by April 14, 1982 in holding the hearing, it will be canceled.

ADDRESSES: Persons requesting the hearing and wishing to provide oral testimony should notify Harold Scott, M/S 409, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101. A complete copy of the application and pertinent material is available for public inspection and copying during normal business hours at the following locations:

Environmental Protection Agency, Region X, Library, 1200 Sixth Avenue, Seattle, Washington 98101;

EPA Idaho Operations Office, 422 W. Washington Street, Boise, Idaho 83702;

Idaho Department of Water Resources, State Towers, 450 W. State Street, Boise, Idaho 83720;

Idaho Department of Water Resources, Eastern Regional Office, 150 Shoup, Idaho Falls, Idaho 83401;

Idaho Department of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North Twin Falls, Idaho 83301;

Idaho Department of Water Resources, Northern Region, 4055 Government Way, Coeur d'Alene, Idaho 83814.

The Hearing will be held at the Idaho Department of Water Resources Conference Room, 3rd floor, State Towers, 450 W. State Street, Boise, Idaho.

FOR FURTHER INFORMATION CONTACT: Harold Scott, M/S 409, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 442–1223 or FTS 399–1223. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: This application from the Idaho Department of Water Resources is for the regulation of all Classes of injection wells in the State. The application includes a description of the State Underground Injection Control program, copies of all applicable rules and forms, a statement of legal authority, and a memorandum of agreement between the Idaho Department of Water Resources and the Region X office of the Environmental Protection Agency. Requests for a public hearing should include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in the UIC Program and of information that the requesting person intends to submit at such hearing; and

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

If the hearing is canceled those persons having expressed interest in attending the hearing will be notified by phone and by letter of the cancellation. Other persons should contact the EPA Office in Boise at (208) 334–1450 to confirm the hearing date and time.

Dated: March 10, 1982.

Bruce R. Barrett,

Acting Assistant Administrator for Water.

[FR Doc. 82–7162 Filed 3–16–82; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Parts 122, 123, 124, and 146

[WH–4–FRL–2077–1]

Florida Department of Environmental Regulation; Underground Injection Control Primary Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of cancellation of hearing.

SUMMARY: The purpose of this notice is to announce that the Environmental Protection Agency has determined that a public hearing is not required on the application received from the Florida Department of Environmental Regulation requesting its approval for the Underground Injection Control program under the Safe Drinking Water Act. On February 8, 1982, EPA published a Notice in the **Federal Register** requesting comments to provide EPA the breadth of information and public opinion necessary either to approve, disapprove, or approve in part and disapprove in part the application from the Florida Department of Environmental Regulation to regulate Classes I, III, IV, and V injection wells. Insasmuch as EPA has received only minimal response from the public, the Region has determined that insufficient public interest was generated and is cancelling the public hearing; however, EPA is still soliciting written comments.

DATES: Written comments must be submitted by March 31, 1982.

ADDRESSES: Comments may be mailed to Curtis Fehn, Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, Georgia 30365. Copies of the application and pertinent material are available between 9:00 a.m. and 4:00 p.m. Monday through Friday at the following locations:

Environmental Protection Agency, Region IV, Library, 1st Floor, 345 Courtland Street, NE, Atlanta, Georgia 30365, (404) 881–3866.

Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301, (904) 488–3601.

FOR FURTHER INFORMATION CONTACT: Curtis Fehn, Groundwater Section, Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta Georgia 30365; (404) 881–3781.

SUPPLEMENTARY INFORMATION: This application from the Florida Department of Environmental Regulation is for the regulation of all Class I, III, IV, and V injection wells in the State.

Dated: March 9, 1982.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 82–7159 Filed 3–16–82; 8:45 am]

BILLING CODE 6560–38–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1201

[Docket No. 36988]

Alternative Methods of Accounting for Railroad Track Structures

AGENCY: Interstate Commerce Commission.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Interstate Commerce Commission is soliciting additional comments on its proposal to change its method of accounting for track structure from Retirement-Replacement-Betterment (RRB) to ratable depreciation accounting. A number of respondents to the initial Notice of Proposed Rulemaking (NPR) have requested that the Commission re-evaluate the impact of the proposal on various regulatory measures and allow parties an additional opportunity to comment before making a final decision on ratable depreciation accounting. This supplemental NPR will satisfy their request.

DATE: Written responses and accompanying data should be filed with the Commission by May 3, 1982.

ADDRESSES: An original and 10 copies, if possible, of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Ronald S. Young, (202) 275–7565.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking, served June 19, 1981, and published in the **Federal Register** on June 22, 1981 (46 FR 32289) we proposed to change our method of accounting for track structure from retirement-replacement-betterment accounting to ratable depreciation accounting.

Respondents to that rulemaking expressed concern that the NPR did not address the impact of converting to ratable depreciation accounting on both ICC standards and railroad financial measures under the Staggers Rail Act of 1980. The view expressed by several respondents was that regulatory criteria and specific standards legislated by the Staggers Act should not be undermined by a change in accounting methods. Several repondents requested an additional opportunity to comment on these issues because they would be significantly affected by changes brought about by adopting ratable depreciation accounting.

The issues raised in the NPR are important to our overall evaluation of the effects of ratable depreciation accounting for track structures. Consequently, we are granting the request for an opportunity to provide additional comments by issuing this Supplemental Notice of Proposed Rulemaking (SNPR). Conversion from RRB to ratable depreciation accounting would have an impact on four regulatory measures:

(1) Return on Investment (ROI)
(2) Revenue-variable cost ratios
(3) Cost recovery percentage
(4) Rail cost adjustment factor

Impact of Accounting Change

In general, a change to ratable depreciation would increase both reported earnings and net investment. The impact on variables costs is less apparent.

The return to capital portion of variable cost is calculated by applying track investment times the cost of road debt. The increase in net investment, assuming restatement of property accounts, should increase the return to capital portion of variable costs and reduce the overall impact on variable costs because of lower operating expenses. The impact on variable costs should be small.

Uniform Rail Costing System regression analyses appear to indicate that variability of depreciation expense for road assets should increase. This would further reduce the difference. As a result of the 1978 revision to Annual Report R–1, the breakdown between road and equipment debt expense means we will be forced to use the overall cost of debt in computing return to capital.

Revenue-Variable Cost Ratios

The Staggers Rail Act requires the Commission to employ revenue-variable cost ratios in various jurisdictional determinations. Section 10709(d)(2) limits the Commission's jurisdiction over maximum rates to instances where the revenue-variable cost ratio exceeds a specified percentage.[1] Section 10707a(e) limits available relief and establishes burden of proof based on revenue-variable cost ratios. Section 10705a, pertaining to surcharges and cancellations of through routes, also requires use of these ratios to determine availability of relief.

Several respondents are concerned that a change to ratable depreciation accounting for track structures could lead to an increase in revenue-variable cost ratios and therefore increase the Commission's jurisdiction over rates. They contend that the accounting change would also restrict the use of surcharges and cancellations of through routes.

At the onset we wish to stress that it is not the intent of the Commission to assert unwarranted jurisdiction as a result of any accounting change.

Consequently, we see three possible options if ratable depreciation is adopted: (1) adjust the jurisdictional threshold levels to reflect the accounting change; (2) adjust operating expenses to compensate for the accounting change in computing the revenue-variable cost ratio; and (3) continue to use the statutory jurisdictional levels with costs based on ratable depreciation accounting for track assets in our determination to investigate, suspend, or take no action.

Option (1) would require a legislative amendment. Option (2) would be feasible provided an acceptable methodology for adjusting costs to compensate for the accounting change could be adopted. The AAR and several other respondents suggested the use of

[1] 160 percent until September 30, 1981; 165 percent until September 30, 1982; 170 percent until September 30, 1983; 175 percent until September 30, 1984.

mathematical formulas or translation tables to accomplish the adjustment. We are uncertain exactly how these mathematical formulas or translation tables would be developed and applied.

We request that respondents offer a comprehensive plan addressing exactly how adjustments such as mathematical formulas and translation tables would be used in accomplishing the adjustments and in what stage they would be applied. These adjustments could be made prior to comparing the calculated revenue-variable cost level or alternatively, after a jurisdictional question is raised.

One possible method of adjustment is to use a track depreciation expense figure based on current cost rather than historical cost in the computation of variable cost. The book or historical cost figure would be used for the return to capital portion of variable cost. If we were to use a depreciated current cost dollar digure in the computation of variable cost, this could result in a revenue-variable cost ratio approximate to that obtained under RRB accounting. We currently have the capability to make such an adjustment. This would not impact other assets and would only be used in the computation of the revenue-variable cost ratio. As we advised in the NPR, we are currently studying the alternative uses of current cost or constant dollar reporting. This method is worthy of consideration since it provides us with a workable alternative.

Under Option (3), a shift to ratable depreciation would not pose a problem until a jurisdictional question was raised. In cases where the Commission would appear to have jurisdiction, railroads could introduce evidence, on a case by case basis, supporting adjustment of variable cost to compensate for the accounting change. As discussed above, it is unlikely that, under depreciation accounting, there would be a significant number of instances where jurisdiction would exist, that would not be found under RRB accounting.

We believe the same options would apply in cancellation and surcharge cases.[2]

We request respondents to comment on the above options and present other alternatives if appropriate.

[2] As to surcharges, it is quite likely the majority of joint rate surcharges on non-compensating traffic which will be filed, will be in place well before a decision on the adoption of ratable depreciation accounting is reached. It should also be noted that the number of surcharge filings has diminished substantially since the Staggers Act was enacted.

Cost Recovery Percentage

The cost recovery percentage is another revenue-variable cost calculation established by the Staggers Act. The Staggers Act requires the Commission annually to determine the cost recovery percentage. Beginning in October 1983 the cost recovery percentage will be used concurrently with the threshold revenue-variable cost ratio in establishing the Commission's jurisdiction over rates. After October 1984 it will be the sole threshold level.

Several respondents believe the change could affect the cost recovery percentage. They argue that the Congress explicitly defined the cost recovery percentage using the present method of accounting to achieve a desired result. Other respondents believe Congress may not have defined the cost recovery percentage with only RRB accounting in mind.

Generally, we believe this issue is similar to the revenue-variable cost issue. We request that respondents comment on whether there are reasons why any or all of the named options are particularly inappropriate in the case of the cost recovery percentage and, if so, what alternative should be adopted.

Rail Cost Adjustment Factor

The AAR expressed concern that the Rail Cost Adjustment Factor (RCAF) would be affected by a change to ratable depreciation accounting. The RCAF is a quarterly index which enables railroads promptly to determine and recover their cost increases. The Staggers Act requires the Commission to determine this index on a quarterly basis.

The index is developed on the basis of weights to cost categories based on the relative costs of each element. If ratable depreciation is adopted, some material and labor costs would shift to the depreciation accounts and, consequently, might impact the index.

We request comments on this issue. Please describe what adjustments should be made to the index and how they should be made if ratable depreciation accounting is adopted.

Return on Investment

Return on Investment (ROI) is the Commission standard adopted in Ex Parte No. 393, Standards of Railroad Revenue Adequacy (not printed, served March 30, 1981), and is used to determine revenue adequacy. The Staggers Act requires the Commission annually to determine which carriers are earning adequate revenues. Carriers presently earning a ROI equal to 12.1% are judged to be revenue adequate. Those earning a ROI less than 12.1% are judged revenue inadequate. ROI is defined as net railway operating income divided by net investment base. Net investment base includes net investment in transportation property, a working capital allowance from Rail Form A and excludes interest during construction and other elements of investment.

The adoption of ratable depreciation accounting could result in some carriers being reclassified from revenue inadequate to revenue adequate as a result of the increase in their ROI percentage. Several respondents were concerned that if a railroad's status is changed from inadequate to adequate because of an accounting change then rate flexibility and increased revenues offered under the Staggers Act would be denied.

We are aware of the impact ratable depreciation could have on revenue adequacy. Supporters of ratable depreciation accounting have alleged that in general, RRB accounting artificially depresses ROI and impacts the Commission's determination of revenue adequacy.

We request comments on what adjustments, if any, should be made to ROI if ratable depreciation accounting is adopted.

Double-Counting of Costs

In the initial NPR we proposed to restate the property accounts and accumulated depreciation on a one-time only basis if ratable depreciation accounting was adopted.

Several respondents expressed concern that railroads have already been permitted to recover track expenditures as maintenance costs and would now be permitted to recover some of those same costs a second time through depreciation expense. This would result if the net investment in track (gross investment less accumulated depreciation) increased because of a change to ratable depreciation accounting.

Without restatement, railroad earnings, variable costs and net investment will all be understated. As we pointed out in the NPR this could result in (1) miscalculations of revenue-variable cost ratios determined in connection with market dominance and rate compensation findings, (2) incorrect determinations of the cost recovery percentage, and (3) incorrect revenue adequacy determinations.

The Staggers Act requires the determination of economically accurate railroad costs. Our purpose in proposing restatement of property accounts was to ensure that railroad costs and the

corresponding investment would be accurate at the present time and in the future.

We request comments on this issue.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act were considered in the initial NPR. There will not be a significant impact on a substantial number of small businesses.

This decision does not significantly affect the quality of the human environment or the conservation of energy resources.

This revision is issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: March 9, 1982.

By the Commission, Chairman Taylor, Vice-Chairman Gilliam, Commissioners Gresham, Clapp, and Sterrett.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7165 Filed 3-16-82; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1244

[Ex Parte No. 385 (Sub-No. 1)]

ICC Waybill Sample Revisions

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments to notice of proposed rulemaking.

SUMMARY: In an earlier notice, the Commission proposed to amend 49 CFR Part 1244 to add needed data items to the ICC Waybill Sample. The amended Waybill Sample would supply all needed items for the preparation of studies and reports concerning the costs of rail shipments. The Commission is hereby granting an extension of time to file comments.

DATES: Comments are now due March 26, 1982.

ADDRESS: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Sidney Fine, (202) 275-7220

SUPPLEMENTARY INFORMATION: By petition filed March 10, 1982, the Association of American Railroads (AAR), requests a two week extension of time for filing comments. Pursuant to our notice in the **Federal Register** on February 10, 1982 (47 FR 6040), comments are due March 12, 1982.

The petition for extension shall be granted to all parties. The AAR is attempting to coordinate the response of the railroad industry to the proposed rulemaking and has found it necessary to call upon the various industry committees for comments. The coordination has taken longer than anticipated. Given the importance of this proceeding to the railroad industry, an extension shall benefit both the parties and the Commission by insuring that the most responsive comments are filed in developing the record.

It is ordered:

The petition is granted. The time for filing comments is extended to March 26, 1982.

By the Commission, Reginald E. Gilliam, Jr., Acting Chairman.

Decided: March 11, 1982.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7168 Filed 3-16-82; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 47, No. 52
Wednesday, March 17, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service

Modfication of Program of Reports

Notice is hereby given that the Statistical Reporting Service (SRS) of USDA will make immediate, major modifications in portions of its crop and livestock estimating program. The program limitations are necessary to stay within the funding level provided for fiscal year 1982. Available resources will be redirected toward maintaining timely and reliable data series judged to be the most important in monitoring changes in the agricultural sector. Over 300 reports will continue to be published annually by SRS.

It will be the policy of SRS to work with commodity groups, local organizations, and State agencies to reestablish programs being eliminated or curtailed, if funds for data collection, summarization, and publication can be provided by these groups.

SRS and its Crop Reporting Board will eliminate the following releases and data series:

Alfalfa Seed—Annual forecasts of acreage, yield, and production
Butter and American Cheese Production—Weekly reports issued by the SRS office in Madison, Wisconsin.
Catfish—Monthly reports of catfish processed and the semiannual reports of producer inventories, sales, and value.
Commercial Apples by Varieties—Annual estimate of production.
Commercial Fertilizers—Monthly reports of consumption, and annual report of consumption by class.
Field Crops; Production, Disposition, and Value—The annual release presenting previous year's data.
Field Seed Stocks—Annual estimate of stocks held by dealers.
Floriculture Crops—Annual report of production and sales, and intentions.
Gum Naval Stores—Monthly reports of production.
Honey—Annual estimates of the number of colonies; honey and beeswax production, prices, and value, and honey stocks.
Lamb Crop and Wool—Annual estimate of next lamb crop, sheep shorn, and wool production issued in July.
Maple Sirup—Annual estimates of production, price, value, and disposition.
Mink—Annual estimates of mink pelts produced, females bred, prices, and value.
Onion Stocks—Annual report of stocks of dry onions.
Producer-Owned Grain Stocks—Annual estimates of wheat and soybean stocks off farms owned by producers.
Popcorn—Semi-annual reports of acreage, yield, production, and prices.
Red Clover Seed—Annual forecast of acreage for harvest, yield, and production.
Seed Crops—Both preliminary and annual summaries of acreage, production, yield, price, and value of 14 field seeds.
Sheep and Lambs on Feed—Three reports estimating number on feed in 7 major States, including the March estimate of the early lamb crop in 3 States.
Sugar Distribution—Weekly report of distribution and stocks.
Sugar Market Statistics—Monthly report of deliveries, inventories, production, and prices.
Tall Fescue (Oregon and Southern States)—Annual forecast of acreage, yield, and production.
Timonthy—Annual report of acreage, yield, and production.
Trout—Annual report of producer sales and value.
Vegetable Seeds—Annual forecast of acreage and production prospects.
Vegetable Seed Stocks—Annual summary of stocks held by dealers.

The following data series will be eliminated from ongoing reports:

Separate utilization estimates of table and hatching eggs; pullorum-typhoid testings for broiler-type chicks, egg-type chicks and turkeys from the monthly Eggs, Chickens, and Turkeys report.
Forecast of winter wheat yield and production for the following year from the December Small Grains report.
Forecasts of yield and production for current crops of corn, durum, and other spring wheat from the July Crop Production report.
Estimates of dry edible pea acreage, yield, production, disposition, and value from the Crop Production, Prospective Plantings, and Acreage reports.
Estimates of blueberries and bushberries from the Crop Production and Noncitrus Fruits and Nuts reports.
Pickle stocks data from the November Vegetables report.
Estimates of seeded winter wheat available for grazing in Kansas, Texas, and Oklahoma from the November and December Crop Production reports.
Data on dairy feed ingredients from the Milk Production report.
Prices of manufacturing grade milk for specified uses and milkfat test data from the Dairy Products reports.
Acreage, yield, production, price, and value estimates for these fresh market vegetables: artichokes, asparagus, snap beans, Brussels sprouts, cabbage, cantaloup, cucumbers, eggplant, escarole/endive, garlic, green peppers, watermelons, and spinach. Estimates will be discontinued for these processing vegetables: lima beans, beets, cabbage for kraut, cucumbers for pickles, spinach, and asparagus. All these estimates will be eliminated from the Vegetables reports.

SRS will reduce the number of State estimates included in these reports:

Cattle—The July issue will carry inventory and expected calf crop estimates at the national level only and not by separate States.
Cattle on Feed—The quarterly reports will provide data of the number on feed, placements, and marketings for only 13 principal States rather than 23.
Hogs and Pigs—The March and September estimates of inventory, pig crop, and breeding intentions will be cut from 14 States to 10.

The June estimates will be reduced from all major States to only 10 and a national estimate.

SRS will cut back on the frequency it issues the following reports:

Cold Storage—From monthly to quarterly for end-of-month holdings in March, June, September and December.
Dairy Products—From monthly to quarterly for January–March, April–June, July–September, and October–December.
Eggs, Chickens, and Turkeys—From monthly to quarterly for December–February, March–May, June–August, and September–November for estimates of layer numbers and egg production. Estimates of chicks and poults hatched, eggs in incubators and pullet chicks for hatchery supply flocks will be issued monthly.
Livestock Slaughter—From monthly to quarterly for January–March, April–June, July–September, and October–December.
Milk Production—From monthly to reports in April, July, October, and January covering the periods January–March, April–June, July–September, and October–December.
Peanut Stocks and Processing—From monthly to reports only in February and August.

SRS will reduce the frequency it estimates the following commodities:

Cranberries will be dropped from the October and November Crop Production reports and estimated in August and January.

Peppermint and spearmint for oil reported in the June, August, and September Crop Production reports will be available only in the January releases.

Tobacco by 7 classes and 21 types currently reported in the May, July, September, October, November, and December issues of Crop Production will be available only in the August and January reports.

Done at Washington, D.C. this 11th day of March, 1982.

W. E. Kibler,

Administrator.

[FR Doc. 82-7176 Filed 3-16-82; 8:45 am]

BILLING CODE 3410-20-M

CIVIL AERONAUTICS BOARD

[Docket Nos. 33362, 39083, 39084]

Former Large Irregular Air Service Investigation; Applications of Michigan Peninsula Airways, Ltd., d.b.a. MPA International Airways; Amended Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 22, 1982, at 9:30 a.m. (local time), in Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., March 12, 1982.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 82-7180 Filed 3-16-82; 8:45 am]

BILLING CODE 6320-01-M

[Docket Nos. 33362, 32565]

Former Large Irregular Air Service Investigation and Application of Southeast Airlines, Inc.; Amended Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 22, 1982, at 9:30 a.m. (local time), in Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., March 12, 1982.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 82-7182 Filed 3-16-82; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 40412]

Midwestern Airlines Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., March 12, 1982.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 82-7181 Filed 3-16-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Financial Assistance Application Announcement; Cooperative Agreement Under Business Development Center (BDC), Delaware

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a Cooperative Agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning August 1, 1982 in the Wilmington, Delaware SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 03-10-82008-01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: April 23, 1982.

Applications should be submitted in triplicate and mailed to the following address: Washington Regional Office, Minority Business Development Agency, 1730 K Street NW., Suite 420, Washington, D.C. 20006, Phone (202) 634-7883.

For further information and/or an application kit contact Ms. Beverly Ivery at (202) 634-7883.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement. Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants. Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process. All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application. The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/Staff

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership

responsibilities; and experience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professinal staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. Techniques and Methodology

Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: Outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources

Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. Cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: High technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. Costs

Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals. Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms. Questions concerning the preceeding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requiements.

G. A Pre-Application conference to assist all interested applicants will be held at the following address on Friday, March 26, 1982 at 10:00 a.m.:

U.S. Department of Commerce, 14th and Constitution Avenue NW., Room 4830, Washington, D.C. 20230.

Dated: March 11, 1982.

Luis G. Encinias,

Regional Director.

[FR Doc. 82-7187 Filed 3-16-82; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Announcement of Certain Hawaiian Waters as an Active Candidate for Marine Sanctuary Designation

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, authorizes the Secretary of Commerce, with Presidential approval, to designate ocean waters as marine sanctuaries for the purpose of preserving or restoring their conservation, recreational, ecological, or aesthetic values. Certain Hawaiian waters were included in the List of Recommended Areas published in the **Federal Register** on October 31, 1979 (44 FR 62552) and now have been selected as an active candidate for designation as a National Marine Sanctuary. An Issue Paper will be distributed and workshops scheduled in Hawaii. This announcement has no applicability to OMB Circular A–95 regarding State and local clearinghouse

review of Federal and federally assisted programs and projects.

FOR FURTHER INFORMATION CONTACT: Dallas Miner, Director, Sanctuary Programs Office, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven St., NW., Washington, D.C. 20235, (202) 634–4236.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1431–1434, (the Act) authorizes the Secretary of Commerce, with Presidential approval, to designate ocean waters as marine sanctuaries for the purpose of preserving or restoring their conservation, recreational, ecological, or aesthetic values. In December 1977, the Office of Coastal Zone Management (OCZM) received a nomination for a humpback whale marine sanctuary in waters off the Kihei coast of Maui, Hawaii. In December 1979, following placement of the site on the List of Recommended Areas (LRA), OCZM sponsored a workshop of whale experts in Hawaii to provide a forum for further discussion and evaluation of the sanctuary nomination. A majority of the workshop panelists concluded, among its other findings, that the designation of a marine sanctuary was "the most certain route to continuing protection of the humpback whale in Hawaiian waters."

In October 1980, OCZM circulated the results of the workshop and conducted a series of public information meetings in Hawaii to receive comment on the workshop's recommendations and to discuss the feasibility and desirability of proceeding with the sanctuary nomination. OCZM also met with Hawaii State officials to discuss respective State-Federal roles and responsibilities in sanctuary management. Among the concerns raised by both the public and State officials was whether or not additional restrictions would be needed to effectively manage a proposed sanctuary and, if so, whether such restrictions would inhibit existing and projected activities such as recreational, commercial, and/or subsistence fishing and boating; future harbor development; and the resumption of interisland, water-borne transportation services. Based on these meetings; an initial assessment of the area proposed for designation in accordance with 15 CFR 922.23(a); preliminary consultation with relevant Federal agencies, State and local authorities, and other interested parties in accordance with 15 CFR 922.23(b); and the consent of the State to proceed with the evaluation of the proposal; the Acting Assistant Administrator for Coastal Zone Management has decided to proceed with the review of a proposed National Marine Sanctuary in Hawaiian waters that are frequented by humpback whales.

Each year, from November through May, large numbers of humpback whales can be found in Hawaiian waters. These seasonal visitors, most of which migrate from summer feeding grounds off southern Alaska, can be observed throughout the islands, and are known to concentrate over shallow banks (100 fathoms or less) such as those found between Maui, Molokai, Lanai, and Kahoolawe. These areas, which are generally 40–50 fathoms deep and relatively protected from the open ocean, offer the most hospitable environment to the whales for carrying-out their reproductive activities such as courting, mating, calving, and nursing.

In addition to the original proposal in 1977, OCZM has considered three additional alternatives for delineating the sanctuary's boundary: (1) The 100-fathom (183-meter) isobath encircling or adjoining the Hawaiian Islands of Kaula, Niihau, Kauai, Oahu, Molokai, Lanai, Maui, Kahoolawe, and Hawaii, as recommended by the workshop panel in 1979; (2) the contiguous waters of Maui County within the islands of Maui, Molokai, Lanai, and Kahoolawe including the area extending from Laau Point, Molokai known as Penguin Bank; and (3) the contiguous waters of Maui County as described above with the exception of Penguin Bank.

Following further consultations with State and Federal agencies, several public meetings, and a comprehensive evaluation of each of the alternatives, OCZM found that the area circumscribed by the 100-fathom isobath was excessive in terms of the corresponding level of effort that would be required to ensure proper sanctuary management, a result that would dilute overall management capabilities in selected areas of whale concentration. This finding led OCZM to conclude preliminarily that a more discreetly defined area, such as described in alternatives (2) or (3) above, might offer a better balance between considerations made for relative habitat value and biological significance, and the level of management effort desired or necessary for achieving the purposes of the National Marine Sanctuary Program.

Based on the following evaluation, the area under review by NOAA qualifies as an Active Candidate for further consideration as a marine sanctuary and is so declared.

1. *The significance of the ecological, geological, recreational, and research and educational resources during review for listing under § 922.21(b) on the List of Recommended Areas (§ 922.23(a)(1)).*

The waters under consideration represent a diverse tropical marine ecosystem which provide habitat for wintering humpback whales in Hawaiian waters. Coastal waters out to the 100-fathom contour are characterized by extensive terracing, reefing flats, and fringing and apron reefs. The reef structure and related floral and faunal communities are typical of th shallow water ecosystems found throughout the Indo-Pacific area. Generally, these reefs are formed by an aggregation of calcareous algae, hard and soft corals, coral rubble, and sand patches. In Maui County, fringing reefs are found in the protected waters off the south coast of Molokai and northwest coast of Lanai. Small apron reefs also occur along some reaches of the Island of Maui, primarily off its northwest coast.

In the shallow waters of Maui County is found a variety of fleshy algae, crustaceans, molluscs, echinoderms, and fish. Reef corals commonly found in these areas included *Porites lobata, P. compressa, Pocillopora meandrina, P. damicornis,* and species of the genus *Montipora.* Shallow coastal waters also support tropical plankton associations which play important roles in supporting marine food webs and in cycling minerals between pelagic and benthic environments. In deeper waters (25–75 Meters), large boulders and coral rubble dominate the bottom, while live reef corals and benthic algae are reduced or absent. Black corals and seafans (gorgonians) are characteristic to this area, with the former being particularly abundant in the interisland waters of Maui County. Fishers at this depth include several recreationally and commerically important mid-water plankton feeding and carnivorous species as well as endemic long-nosed hawkfish (*Oxycirrhites typus),* which is generaly associated with black coral communities, and Tinker's butterfly fish *(Chaetodon tinkeri).* The areas under consideration not only provide habitat for the endangered humpback whale but several other species of cetaceans including pilot whales (*Gobicephala melaena),* false killer whales (*Pseudorca* crassidens), Pacific bottlenose dophins (*Tursiops gilli),* and spinner dolphins (*Stenella longirostris).* The endangered Hawaiian monk seal *Monachus schauinslandi)* is also known to frequent these waters.

2. *The ability of the Sanctuary Programs Office to support full review within the time specified in § 922.24.*

OCZM can prepare an Issue Paper, hold workshops, and initiate an Envirnonmental Impact Statement (EIS) for the site as required.

3. *The following additional factors (§ 922.23(a)(3)).*

a. *Existing and potential threats to the resources.* Hawaiian waters provide a relatively undisturbed tropical habit for a wintering population of approximately 600 endangered humpback whales. The number of humpbacks in the area has apparently remained stable over the last few decades, however more information regarding activities which may affect their behavior needs to be gained to ensure the long-term survival of the species.

b. *The ability of existing regulatory mechanisms to protect the value of the sanctuary and the likelihood that sufficient effort will be devote to accomplishing those objectives.* Most of the area under consideration is within State jurisdiction. If fully implemented, existing Federal and State regulatory mechanisms, could offer adequate protection to the resources in the area. In practice, however, protection is usually offered on a case-specific basis and its effectiveness, subject to the availability of enforcement personnel and administrative support. It is unlikely the funding support will be increased or that existing statutes will be amended to broaden sufficiently, the nonregulatory aspects of resource management such as initiating or expanding upon the management-related research and education efforts necessary to determine, fully, the appropriate management focus and means for protecting the values of the sanctuary. Designation will enhance, significantly, resource protection by making available additional management and enforcement funds and by providing: (1) A comprehensive management framework to monitor, assess, and act on information concerning the cumulative effects of human contact and activities; (2) a mechanism to coordinate and encourage research on the humpback whale and other biota; and (3) a public education and interpretive program focused on man's understanding of the fragility and significance of the humpbacks and other marine resources. These aspects of resource management are not fully provided for under existing regulatory mechanisms.

c. *The significance of the area to research opportunities on a particular type of ecosystem.* Little is known about the wintering population of humpbacks in Hawaiian waters. Sanctuary designation offers unique opportunities for coordinated scinetific research on humpback whales such as studies on behavior such as vocal communication, mating and courtship activity, and cow-calf associations. Present research on the Hawaii population has been limited, and no coordinated research program exists.

d. *The value of the area in complementing other public or private programs with similar objectives, including approved Coastal Zone Management Programs.* Most of the areas under consideration are under State jurisdiction and, consequently, may be affected by a number of state programs such as the Hawaii Coastal Zone Management Program, the Natural Area Reserves System, and the Marine Life Conservation Program. A nonregulatory County Whale Reserve also has been designated by Maui County for waters lying west of the Island of Maui. The designation of a marine sanctuary under Title III of the Marine Protection, Research and Sanctuaries Act of 1972, offers a unique opportunity for coordinating Federal, State and local efforts in resource protection, research, and public awareness and education.

e. *The aesthetic quality of the area.* The area under consideration offers unique aesthetic opportunities, including splendid, unspoiled surface and submerged vistas and features.

f. *The type and estimated economic value of the natural resources and human uses within the area which may be foregone as a result of marine sanctuary designation.* Preliminary consultation and discussions indicate that the area under consideration does provide opportunities for a wide range of recreational and commercial activities, principally boating and fishing. However, since no new restrictions affecting either activity are envisioned, it appears unlikely that any significant economic impacts would result from the designation. On the other hand, added scientific research opportunities, public education programs, and resource management efforts will provide a further measure of protection and increased public awareness of the humpback whales in Hawaii. A thorough analysis of the economic impacts resulting from the designation of a marine sanctuary will be conducted as part of the review process. An Issue Paper will be prepared by OCZM for distribution to interested parties describing: (1) The biology and natural history of the humpback whales in Hawaii; (2) the distinctive resources in Hawaiian waters that make the area a suitable habitat for the whales; (3) existing government programs aimed at protecting those resources; (4) boundary alternatives; and (5) possible management activities, including a scientific research program as required by 922.24 of the marine sanctuary regulations, Review of Active Candidate. OCZM will conduct additional public workshops in Hawaii within 6 months of the date of this publication. The Issue Paper and workshops are designed to solicit views which will aid OCZM in determining the scope of a final sanctuary proposal (e.g., preferred boundary, management regime, research and education priorities) and whether to move the nomination forward in the designation process (e.g., prepare a Draft Environmental Impact Statement). The workshops are required in addition to the public hearings under section 302(e) of the Act should an Environmental Impact Statement (EIS) be prepared. These workshops are part of the scoping process to determine those issues to be addressed in the event that an EIS is subsequently prepared.

(Federal Domestic Assistance Catalog No. 11.419, Coastal Zone Management Program Administration)

Dated: March 10, 1982.

Peter L. Tweedt,

Deputy Assistant Administrator for Coastal Zone Management.

[FR Doc. 82-7135 Filed 3-16-82; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Air University Board of Visitors; Meeting

The Air University Board of Visitors will hold an open meeting at 11:00 a.m. on April 21, 1981, in the Air University Conference Room, Austin Hall (Building 800), Maxwell Air Force Base, Alabama.

The purpose of the meeting is to give the board an opportunity to present to the Commander, Air University, a report of the findings and recommendations concerning Air University educational programs.

For further information on this meeting, contact Dorothy D. Reed, Coordinator, Air University Board of

Visitors, Headquarters, Air University, telephone (205) 293–6160.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82–7166 Filed 3–16–82; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Army Medical Research and Development Advisory Committee, Subcommittee on Medicinal Chemistry; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Medicinal Chemistry.

Date of meeting: April 16, 1982.

Time and place: 0900 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed agenda: This meeting will be open to the public from 0900 to 0945 hrs for the administrative review and discussion of the scientific research program of the Medicinal Chemistry Branch, Walter Reed Army Institute of Research and from 1630–1700 hrs for the summation of the meeting. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), U.S.C., Title 5 and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1000–1630 hrs for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg. 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 82–7107 Filed 3–16–82; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

Kaw Lake, Arkansas River, Oklahoma, Filed with CEQ December 2, 1975; Intent To Prepare a Draft Environmental Supplement

AGENCY: Army Corps of Engineers, DOD, Tulsa District.

ACTION: Notice of intent to prepare a draft supplement.

SUMMARY: 1. The primary purpose of this project is to add hydroelectric power capabilities to the existing Kaw dam.

2. Reasonable Alternatives: The alternatives evaluated include: no Federal action, and adding 35, 55, 75, or 95 megawatts generating capability.

3. Scoping Process:

a. Public Involvement. A comprehensive public involvement program was developed as a means of disseminating information and soliciting public views on this project. A variety of techniques including formal public meetings and the local news media will be employed to involve Federal, State, and local agencies, citizen committees, organizations, and the interested public in the planning studies.

b. Significant Issues Requiring In-Depth Analysis. None.

c. Assignments. The US Fish and Wildlife Service is preparing a Fish and Wildlife Coordination Act Report.

d. Environmental Review and Consultation Requirements. The draft supplement will be circulated for review, and all comments will be incorporated into the final supplement.

4. A separate scoping meeting will not be held.

5. Estimated date when the draft supplement will be available to the public: July 1982.

ADDRESS: Mr. Buell O. Atkins, Chief, Environmental Resources Branch, US Army Corps of Engineers, Tulsa District, PO Box 61, Tulsa, OK 74121, (918) 581–7857/FTS 736–7857.

Dated: March 8, 1982.

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 82–7108 Filed 3–16–82; 8:45 am]

BILLING CODE 3710–39–M

Office of the Secretary

Overseas Dependents Schools; National Advisory Panel on the Education of Handicapped Dependents; Meeting

The National Advisory Panel on the Education of Handicapped Dependents will meet in open session from 9 a.m. to 4 p.m., April 20–22, 1982, at the Council for Exception Children, 1920 Association Drive, Reston, Virginia.

The mission of the Panel is to advise the Director, Department of Defense Dependents Schools (DoDDS), of unmet needs within the system for the education of handicapped children, to comment publicly on rules and regulations proposed for issuance by the Office of Dependents Schools (ODS) concerning education for the handicapped and on procedures for distribution of funds, and to assist ODS in developing and reporting all data and evaluation as may assist the Director in performance of his responsibilities under section 618 of Pub. L. 94–142.

The Panel will review the following areas: Policy, personnel development, parent and consumer information and education, administration, budget, program development, and communication.

This meeting is open to the public; however, due to space constraints, anyone wishing to attend should contact the ODS coordinator, Dr. Diane Goltz, Chief, Special Education, DoDDS, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, (202) 325–7810.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 11, 1982.

[FR Doc. 82–7136 Filed 3–16–82; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Innovative Programs for Severely Handicapped Children; Proposed Annual Funding Priorities for Grants

AGENCY: Educational Departments.

ACTION: Notice of Proposed Annual Funding Priorities.

SUMMARY: The Secretary proposes annual funding priorities for grants for Innovative Programs for Severely Handicapped Children. To ensure wide and effective use of program funds, the Secretary proposes the following priorities to direct funds to the areas of greatest need during Fiscal Year 1982.

DATE: Comments must be received on or before April 16, 1982.

ADDRESSES: Comments should be addressed to: R. Paul Thompson, U.S. Department of Education, Special Education Programs, Room 3135 Donohoe Building, 400 Maryland Avenue, SW., Washington, D.C. 20202–4714.

FOR FURTHER INFORMATION CONTACT:

R. Paul Thompson, Telephone (202) 472–2535.

SUPPLEMENTARY INFORMATION: Grants for Innovative Programs for Severely Handicapped Children are authorized under Section 624 of Part C of the Education of the Handicapped Act (EHA).

Section 624 provides funds for research, development, demonstration, training, and dissemination activities concerning the education of handicapped children.

Parties eligible to receive funds under this program are public or nonprofit agencies, organizations, or institutions which operate a center or provide a service which meets one or more of the purposes of Part C of EHA. Part C of EHA authorizes various activities relating to the education of handicapped children, including the operation of Regional Resource Centers, Centers and Services for Deaf-Blind Children, and programs for the Early Education of Handicapped Children.

The following regulations apply to this program:

(1) Regulations governing Auxiliary Activities under EHA (34 CFR Part 315; formerly 45 CFR Part 121e). Amendments to the regulations were published on April 3, 1980 (45 FR 22532) and January 19, 1981 (46 FR 5379). The latter amendment contains the selection criteria the Secretary uses to evaluate applications under this program.

(2) Education Department General Administrative Regulations (EDGAR) (34 CFR Part 75 and 77, formerly 45 CFR Parts 100a and 100c), which establish procedures for the Secretary to develop and implement annual funding priorities for grant programs.

In accordance with § 75.105(c)(3)(i) of EDGAR, the Secretary proposes to establish separate competitions for each of the following proposed priority areas for Fiscal Year 1982 grants. Each proposed priority area contains a discussion of the nature of the priority itself and a statement of the estimated amount of funds expected to be available for that priority area in Fiscal year 1982. The selection critieria contained in the program regulations (34 CFR 315.4) will govern the review of applications in the competition for each priority area.

Priorities

(1) *Approaches to Total Life Planning for Deaf-Blind Children and Youth.* The Secretary proposes to establish a separate competition for projects which establish procedures for the development of total life planning for deaf-blind children and youth. Such planning must include (a) the assessment of cognitive, affective, and psychomotor skills and capacities of project participants; (b) an identification of services essential for the satisfaction of needs of the children and which provide for the maximization of their potential as they approach adulthood; (c) the development of strategies for life planning individualized for each project participant, with provision for modifying such planning on at least an annual basis, and (d) strategies for the application of the individualized planning designed for participants, to other deaf-blind children and youth. Approximately $240,000 is expected to be available for this competition.

(2) *Pre-vocational and Vocational Training for Deaf-Blind Children and Youth.* The Secretary proposes to establish a separate competition for projects which design, implement, and disseminate innovative practices in the pre-vocational and vocational education of deaf-blind children and youth. Such practices must extend beyond, expand upon, complement, and/or supplement existing best practices. Also considered innovative for the purpose of this priority are feasible applications of practices still in the developmental stage in research and other experimental programs. Approximately $120,000 is expected to be available for this competition.

(3) *Identification of At-Risk Deaf-Blind Children.* The Secretary proposes to establish a separate competition for projects which design and implement strategies for the early identification of children with apparent visual and auditory impairements who are at-risk of being "categorized" as deaf-blind children. Such projects should device strategies for providing relevant information to and gaining the cooperation of educational, medical, and social service providers. Projects must evidence procedures and planning for identification of handicapped children, such as those procedures mandated under Pub. L. 94–142. Approximately $120,000 is expected to be available for this competition.

(4) *Adaptation/Utilization of Curricula for Deaf-Blind Children and Youth.* The Secretary proposes to establish a separate competition for projects which establish strategies to develop and demonstrate the effectiveness of individualized educational programming for deaf-blind children and youth. Such curricula may include (a) innovative, new approaches unique in work with the deaf-blind; (b) best practices currently in use with such children and youth with potential for being modified to meet individual differences; or (c) best practices in educational programming for other types of handicapped or nonhandicapped age peers, adapted to meet the educational needs of the deaf-blind children and youth. Projects must provide verified assessments of the learning needs and capacities of participants and demonstrate the design of curricula and methodologies based upon such assessments. Approximately $120,000 is expected to be available for this competition.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the proposed priorities. Written comments and recommendations may be sent to the address given at the beginning of this preamble. All comments received on or before April 16, 1982, will be considered in the development of the final priorities. The final priorities will be published in the **Federal Register** and will govern awards made for Fiscal Year 1982.

All comments submitted in response to these proposed priorities will be available for public inspection, during and after the period, in Room 3135 Donohoe Building, 400 Sixth Street, S.W., Washington, D.C. 20202–4714 between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(20 U.S.C. 1424)

Dated: March 12, 1982.

Terrel H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84. 086, Innovative Programs for Severely Handicapped Children)

[FR Doc. 82–7183 Filed 3–16–82; 8:45 am]

BILLING CODE 4000–01–M

Office of Special Education and Rehabilitative Services Program

Training of Interpreters for Deaf Individuals; Closing Date for Transmittal of Grant Applications for Fiscal Year 1982

AGENCY: Education Department.

ACTION: Application Notice establishing closing date for transmittal of applications for training of interpreters for deaf individuals programs for Fiscal Year 1982.

Applications are invited for new grants under the Training of Interpreters for Deaf Individuals Program.

Authority for this program is contained in Section 304(d) of the Rehabilitation Act of 1973, and amended. (29 U.S.C. 774(d)).

Awards are made under this program for a period of up to three years to any public or private non-profit agency or organization including public or private non-profit postsecondary institutions.

The purpose of this program is to train skilled manual and oral interpreters available for employment in public and private agencies involved in the provision of health, education, welfare, rehabilitation, employment and related services to deaf people. This program was established to assist in the training of a sufficient number of interpreters to meet the communication needs of deaf individuals.

Closing Date for Transmittal of Applications: Applications for grants must be mailed or hand delivered by May 3, 1982.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention 84.129W, 400 Maryland Avenue, SW, Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th & D Streets, SW, Wahington, D.C 20202.

The Application Control Center will accept hand-delivered applications between the hours of 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: Applications must contain the information and assurances (if applicable) required by Section 304(d)(2) of the Act. Applications will be evaluated in accordance with the Departmental selection criteria governing discretionary grant programs without implementing regulations. These selection criteria are set forth in 34 CFR 75.210 (Selection criteria for a discretionary grant program that does not have regulations).

The statute requires that the Secretary give consideration to geographical coverage of interpreter training programs throughout the country; the statute also requires that priority be given to programs that have demonstrated their capacity to provide interpreter training services. These factors shall be applied by the Secretary after the applications have been reviewed, evaluated and ranked by peer review teams. The Secretary may select an application that meets one or both of these factors over an application of comparable merit that does not. Applicants should include in their applications information regarding the geographical areas to be serviced by the project, and evidence of past experience in the provision of interpreter training services.

A copy of the statutory requirements and applicable selection criteria will be included in the program information package.

Available Funds: It is estimated that $900,000 is expected to be available for support of new grants in Fiscal Year 1982. Not more than twelve individual grants are expected to be awarded; the size of each grant will vary and may range from approximately $50,000 to approximately $100,000.

However, these estimates do not bind the U.S. Department of Education to a specified number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages will be mailed to eligible applicants on request.

Applications must be prepared and submitted in accordance with the instructions and forms included in the program information packages. The Secretary strongly urges that the narrative portion of the application not exceed fifteen (15) pages in length. The Secretary further urges applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program are the following: Education Department General Administrative Regulations (EDGAR) (Direct Grant Programs, 34 CFR Part 75 and Definitions, 34 CFR Part 77).

Further Information: Dr. Paul R. Ackerman, Acting Director, External Affairs, Office of Special Education and Rehabilitative Services Program, U.S. Department of Education, Room 3113, Mary E. Switzer Building, 330 C Street, SW., Washington, D.C. 20201, telephone: (202) 245–0341.

Dated: March 11, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82-7184 Filed 3-16-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

January Entitlements Notice

On December 9, 1981, the Economic Regulatory Adminstration gave notice that because of various matters in litigation the entitlements notice for January 1981, which previously the Department of Energy (DOE) had been enjoined from issuing, would not be issued at that time. 46 FR 60231.

This notice is to advise all interested persons that before DOE issues any further entitlements list it will by means of publication in the **Federal Register** provide thirty days notice of an intent to issue such a list.

Dated: March 2, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 82-7105 Filed 3-16-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP82-216-000]

Arkansas Louisiana Gas Co.; a Division of Arkla, Inc.; Application

March 15, 1982.

Take notice that on February 26, 1982, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP82-216-000 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 taps on certain

jurisdictional gas pipelines and related facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate taps on the lines identified below adjacent to the following described homes and commercial establishments.

Line	Home or commercial establishment
AM-54	Jim Acock, Mt. Pleasant, Tex.
JT-2	M. J. Pigg, Russellville, Ark.
O-474	Buddy Don Gray, McAlester, Okla.
2-6-2	Elden Settles, Weatherford, Okla.
OT-1	Don Burton, Bokoshe, Okla.
OT-19	Walter N. Kellogg, Cameron, Okla.
11-3	Gale Moss, Lawton, Okla.
4-1-4	Maurine Sowle, Enid, Okla.
2-C-2	Coy Sullivan, Hydro, Okla.

It is asserted that Applicant is requested by local and state authorities to provide natural gas service to persons who live outside of Applicant's distribution systems. Applicant explains that to provide such service it is necessary to tap a jurisdictional pipeline.

It is stated that the estimated cost of a typical tap and related facilities is less than $1,000 and would be financed out of funds on hand. It is further asserted that gas supply for these customers would be from general system supply with impact on Applicant's supply being negligible.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7210 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5955-000]

Edward F. and Gwyneth L. Burgess; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

March 15, 1982.

Take notice that on February 9, 1982, Edward F. and Gwyneth L. Burgess (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. 5955) would be located on Burgess and an unnamed Creek Township 3 South, 6 East of Humboldt Meridian, Trinity County, California. Correspondence with the Applicant should be directed to: Edward and Gwyneth Burgess, Star Route, Box 37, Zenia, California 95495.

Project Description—The proposed project would consist of: (1) Two 3-foot high, 10-foot long diversion structures from Burgess & Unnamed Creek; (2) two 6-inch diameter, 600 and 900-foot long conduits converging to; (3) a 8-inch diameter, 3,500-foot long penstock; (4) a powerhouse containing a generating unit with a rated capacity of 25 kW; (5) appurtenant facilities; and (6) a cement spillway to return water to Burgess Creek.

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. Project energy would be used at Applicant's home with the surplus being sold to Pacific Gas & Electric.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 7, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7211 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-159-000]

Central Power & Light Co.; Filing

March 12, 1982.

The filing company submits the following:

Take notice that on March 8, 1982, Central Power and Light Company (CPL) filed a response to the Commission Staff's deficiency letter dated February 9, 1982. The deficiency letter was in response to the December 18, 1981 filing by CPL of a Transmission Service Agreement between CPL and Houston Lighting and Power Company (HLP).

In January, 1981 CPL and other ERCOT companies were informed by Houston Lighting and Power Company (HLP) that HLP had reached agreement with the City of Austin for a firm purchase of 800 MW of capacity. HLP realized that the power would flow across several ERCOT systems before reaching the HLP system and, therefore, HLP offered to pay to each system that was affected both a facility and a loss compensation charge.

CPL and HLP determined that the amount which flows through the CPL system is approximately 25% of the 800 MW. Based upon this flow-through figure and an impact formula prepared by the companies, a monthly facility charge of $51,073 was *mutually agreed* upon by both HLP and CPL. The average cost per KWh is less than a mill unless usage drops to an extremely low level.

It is the intent, and provision has been made in the CPL–HLP agreement, that this compensation charge ($51,073) be reviewed on an annual basis and be subject to change at that time if the latest engineering and system cost of service information dictates such a change.

CPL respectfully requests that the Commission approve either the $51,073.00 rate or the formula rate contained in the initial filing. In the event the Commission approves the rate of $51,073, CPL is willing to file any changes in such rate with the Commission as such changes may occur by virtue of contractual provisions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before March 31, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7212 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP73-70-004, CP77-31, CP78-102, etc.]

Columbia Gulf Transmission Co., et al.; Petition To Amend

March 15, 1982.

In the matter of Columbia Gulf Transmission Company, Docket Nos. CP73-70-004, CP77-31 and CP78-102; Sea Robin Pipeline Company, Docket Nos. CP77-37 and CP77-396; Trunkline Gas Company, Docket No. CP77-597 and CP79-504; Columbia Gulf Transmission Company and Tennessee Gas Pipeline Company, Division of Tenneco Inc., Docket No. CP78-44; Transcontinental Gas Pipe Line Corporation, Docket Nos. CP78-136 and CP79-24; Texas Eastern Transmission Corporation, Docket No. CP78-189; and Amoco Production Company, Docket Nos. CI77-80 and CI79-116.

Take notice that on January 18, 1982, Amoco Production Company (Amoco), 200 East Randolph Drive, Chicago, Illinois 60601, filed in Docket No. CP73-70, *et al.*, a petition pursuant to Section 7(c) of the Natural Gas Act to amend orders issued in the captioned dockets authorizing the transportation of natural gas sold by Amoco so as to delete the condition prohibiting the delivery to Florida Power & Light Company (EP&L) of natural gas produced by Amoco in the offshore federal domain and transported and/or exchanged by interstate pipelines for redelivery to Amoco at onshore locations, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Amoco states that under its contract with FP&L dated March 12, 1965, Amoco sells to FP&L 200 billion Btu of natural gas per day for consumption in FP&L's power-generating plants located in the State of Florida. Amoco currently delivers this gas to FP&L at points on the system of Florida Gas Transmission Company (FGT) in Louisiana and downstream states. This sale is not subject to Commission jurisdiction under the Natural Gas Act and does not commit specific reserves to FP&L, it is asserted. In Docket No. CP65-393, the Commission authorized FGT to transport gas purchased by FP&L to FP&L power plants.

Amoco asserts that as a result of the order approving settlement issued May 29, 1967, in Docket No. CP65-393, the contract was amended by modification and supplement dated August 4, 1967, to provide that the warranty would expire 15 years after initial deliveries and that thereafter Amoco's only obligation would be to deliver to FP&L for the next five years production from those wells from which gas had been delivered to FP&L during the 15th year of warranty deliveries. Initial deliveries began in June 1968 and thus the 15-year warranty ends in June 1983, it is indicated.

During the 1970's, Amoco states, it continued its program of exploration and development of leases in new fields both onshore and offshore for additional sources of gas for deliveries under the FP&L contract. As part of this program, Amoco entered into agreements with various interstate pipelines for exchange and/or transportation of Amoco's gas from fields of production to points of delivery on FGT's system so as to be available to meet Amoco's delivery obligations under the FP&L contract, it is explained.

On May 2, 1977, it is asserted, the Commission issued an order in *Florida Gas Transmission Co., et al.*, Docket No. CP65-393, *et al.*, granting certificates to Amoco and the four pipelines but

providing as to gas produced by Amoco in the offshore federal domain that "none of such gas shall be transported to FPL" (Ordering Paragraph (H)). The Commission cited as its support for that restriction a policy judgment that due to the "current shortage" of natural gas it would not be in the public interest "at this time" to certificate the transportation of offshore gas from the federal domain to be burned in power plant boilers. The Commission also noted that the provision in the May 29, 1967, order limiting use of offshore sources to 82 percent would expire in 1978, it is presented.

Amoco states that it had relied on the May 29, 1967, order as meaning that after 1978 there would be no further limitations on use of offshore gas to perform its contract with FP&L and had directed its exploration and development efforts accordingly. Thus, Applicant states that believing that the Commission unlawfully had modified the underlying certificate, FP&L and Amoco sought judicial review in the United States Court of Appeals for the Fifth Circuit of the May 2, 1977, order and of the July 27, 1977, order denying rehearing. *Florida Power & Light Co.* v. *FERC*, 598 F.2d 370 (5th Cir. 1979).

While judicial review of the May 2, 1977, order was in process, the Commission issued several additional transportation certificates which based on the May 2, 1977, order included the same prohibition against deliveries of offshore gas to FP&L. Amoco sought judicial review of each of these orders and further judicial proceedings on such orders were held in abeyance pending the issuance of a final decision in *FP&L* v. *FERC, supra*, it is explained.

On July 5, 1979, in *FP&L* v. *FERC, supra*, the Court affirmed the Commission's May 2, 1977, order as a legitimate policy decision in light of the gas shortage circumstances prevailing in 1977. Amoco states that it then sought Supreme Court review claiming, among other things, changes in federal policy relating to the use of natural gas as a boiler fuel.

Certiorari was denied January 7, 1980, in *Amoco Production Co.* v. *FERC*, 444 U.S. 1013.

Amoco hereby petitions the Commission to remove the conditions in each of the certificate orders listed prohibiting Amoco from using the affected offshore gas to supply FP&L. In addition, Amoco requests that the Commission not impose a similar condition on any future certificates which the Commission issues pursuant to pending applications.

Amoco submits that legislative changes, changes in the availability of gas supplies and changes in governmental policies subsequent to the issuance of the May 2, 1977, order require removal of the restrictive end use certificate conditions contained in that order and the subsequent orders based thereon. Amoco further submits that interstate pipelines no longer are experiencing the curtailment problems they were facing in 1977 and 1978 prior to passage of the Natural Gas Policy Act of 1978 (NGPA). By eliminating the rate regulatory and certificate distinctions between interstate and intrastate purchases of new onshore gas that applied under the Natural Gas Act and thus eliminating the advantage of intrastate purchasers as to onshore gas, the NGPA has removed any basis for reserving new offshore gas for purchase by interstate pipelines, it is asserted. It is maintained that as a result of the above, the Commission has lifted restrictions on the use of gas by direct purchasers including power plant and other boiler fuel users. Amoco asserts that these factors have resulted in or reflect reversal of the Commission policy that caused offshore gas use conditions to be imposed in the May 2, 1977, order and thus have rendered obsolete and unnecessary those conditions.

As noted in the May 2, 1977, order the Commission "in the past [has] granted many certificates that involved boiler fuel sales." In that order the Commission continued to allow such use of onshore gas, but denied the pipeline applicants authority to transport offshore gas for sale to FP&L "as a matter of policy to conserve natural gas for the most essential use * * * [b]ecause of the current shortage". Upholding that order, the United States Court of Appeals for the Fifth Circuit stated,

> Having found that it is against the public interest for natural gas to be used for boiler fuel during times of shortage when higher priority needs cannot be filled, it is not unreasonable or arbitrary to attach conditions on a transportation certificate to prohibit boiler use of Federal domain offshore gas. (598 F.2d at 380).

Amoco avers that as the Commission and the Courts previously have concluded, the use of natural gas in power plants to generate electricity is not *per se* "inferior", but may be relegated to a subservient position during times of natural gas shortages. *Chandleur Pipe Line Co.*, 45 F.P.C. 370, 371 (1971); *Public Service Commission of N.Y.* v. *FERC*, 463 F.2d 824, 826 (D.C. Cir. 1972); *American Smelting & Refining Co.* v. *FPC*, 494, F.2d 925, 944–946 (D.C. Cir. 1974); *City of Wilcox* v. *FPC*, 567 F.2d 394, 406 (D.C. Cir. 1977).

Accordingly, it is entirely consistent with and indeed a part of this policy that boiler fuel prohibitions may and should be removed or relaxed when pervasive shortages of natural gas do not exist and are not imminent, Amoco believes. Actions taken by the Commission and by the Economic Regulatory Administration of the Department of Energy (ERA) since the May 2, 1977, order was issued have relaxed prohibitions on the use of gas in power plants for electric generation, it is indicated.

It is stated that prior to enactment of the NGPA only interstate pipelines were required to purchase natural gas at prices that did not exceed the ceiling rates prescribed by the Commission and that during the gas shortage that developed in the 1970's, such pipeline companies experienced great difficulty in purchasing new onshore gas supplies in competition with intrastate purchasers who could pay substantially higher unregulated prices. Consequently, it is asserted, that the Commission policy reflected in the May 2, 1977, order was to preserve for purchase by interstate pipeline companies as much of the new offshore gas supply as possible. Now that the Natural Gas Act's regulatory distinctions between intrastate and interstate purchasers of new onshore gas have been legislated out of existency by the enactment of the NGPA, there is no longer any restriction on the ability of interstate pipeline companies to compete with intrastate purchasers for new onshore supplies and thus no longer any basis for attempting to reserve new offshore gas for purchase by interstate pipelines, Amoco presents. The distinction between offshore gas and onshore gas prescribed in the May 2, 1977, order is an anachronism from pre-NGPA limits on jurisdiction over rates and should be removed to reflect the change in the gas supply circumstances enacted by passage of the Natural Gas Policy Act, it is believed.

In addition to the interstate pipeline gas supply improvement described above, the amount of gas available has moved from the 1977 shortage to the 1979–80 and 1981 gas surpluses, Amoco states.

Amoco asserts that the Commission has ascertained that because of lack of markets many interstate pipelines have been "backing off" their natural gas takes and are expected to continue to do so (Order No. 30–D, issued August 15, 1980, p. 5, n. 8). It is further asserted that the Commission also found in Order No. 30–D (p. 16) that "* * * excess deliverability of natural gas supplies

committed to pipelines and distributors is likely to recur", and that in Order No. 30–E issued September 26, 1980, the Commission further stated (pp. 4, 6) that

> The rapid increase in natural gas supplies which has occurred since enactment of the NGPA indicates to the Commission that the downward trend has abated and that statutes and regulatory policies can significantly effect development of new natural gas reserves. The Order No. 30 program is, in fact, designed to affect gas markets so as to preserve incentives for further development of gas reserves.
>
> Recently most interstate pipelines have been in a position to meet all their customers' requirements.

Amoco asserts that as a result of the improved gas supply conditions the ERA has granted numerous temporary and permanent exemptions under the Power Plant and Industrial Fuel Use Act of 1978 (FUA) from prohibitions against the use of natural gas as boiler fuel in existing and new power plants and major fuel burning installations. Here again many exempted facilities are electric utility generators located in the eastern United States and are customers of interstate pipelines connected to offshore sources of natural gas, it is said.

Furthermore, it is stated that disappearance of the gas shortage also prompted the Commission on October 5, 1979, to amend § 2.79 of its Rules (18 CFR 2.79) by relaxing end-use restrictions on gas transported under the Order Nos. 533 and 2 program.

It is submitted that recently the Commission removed end use restrictions on gas purchased by Public Service Electric and Gas Company for electrical generation and transported by various interstate pipeline companies and that by order issued November 25, 1981, in *Texas Gas Transmission Corporation, et al.*, Docket No. CP–75–275, *et al.*, the Commission amended several certificates to change a previous requirement that gas destined for use in electrical generation be offered first for sale to the transporting pipeline. The text of the November 25, 1981, order states (p. 3): "It does not now appear that the conditions are necessary in order to protect service to higher priority loads on the interstate pipelines." This finding is equally applicable to the restrictive conditions placed upon pipelines which have agreed to transport natural gas for Amoco for ultimate delivery to FP&L, it is submitted.

It is stated that enactment of the NGPA and the Outer Continental Shelf Land Act Amendments of 1978 also have allowed the Commission to alter its policies concerning access to natural gas in the Outer Continental Shelf.

Amoco indicates that the Commission is considering a dramatic change in its regulatory policy toward interstate pipelines and that in a Notice of Proposed Rulemaking issued April 27, 1981, in Docket No. RM81–29, the Commission proposed for public comment institution of a blanket certificate program for certain pipeline activities. The Commission noted the following:

> Many of the certification policies the Commission has developed over the last decade, particularly for the type of transactions involved in this rulemaking, have been shaped by the need to prevent the diversion of potential gas supplies from interstate pipelines and to allocate relatively scarce supplies among the highest priority end-users under the Natural Gas Act's regulatory scheme that prevailed from 1954 to 1978. The enactment of the NGPA and the subsequent improvement in the available deliverability of gas supplies now leads us to reassess these policies.

Amoco feels the same factors leasing to this assessment should be applied in the instant petition by granting it relief from end-use restrictions.

It is explained that over the past year numerous interstate pipelines have filed applications with the Commission to make temporary surplus sales of system supplies of natural gas. The gas included in these applications would be sold either in off-system sales to be used for boiler fuel or to power plants for electric generation. Unlike the surplus sales to fuel oil users under Order No. 30-type purchases, none of the gas included in these applications is specifically intended to displace fuel oil, it is said.

It is asserted that as of the end of 1981, interstate pipelines had applied to the Commission to make surplus sales in excess of 1,407,000,000 Mcf and that the restrictive conditions of the type imposed in the May 2, 1977, order and the subsequent orders represented application of the Commission's gas use policies in a context of nationwise gas shortages and separate interstate and intrastate gas prices and markets. Amoco feels that the May 2, 1977, order was sustained on review as a proper exercise of discretion and policy in such circumstances and that because that order did not set down "precedent" in the legal sense and became the supply circumstances on which the order was based have changed materially for the better, the Commission must act now to remove the restrictive conditions.

It is stated that as the NGPA has eliminated "the artificial distinction between the interstate and intrastate natural gas markets," there no longer is any reason for the Commission to attempt to "reserve" Outer Continental Shelf gas for interstate resale markets. In this regard, interstate purchasers now have an opportunity at least equal to that of intrastate buyers to acquire natural gas from onshore sources, it is asserted.

Amoco asserts that as the restrictive conditions are now manifestly obsolete, Commission failure or refusal to delete them would be arbitrary and capricious. It is further asserted that since the Commission and ERA recently have authorized many other entities to sell, and have transported by interstate pipelines, natural gas (including new offshore gas) destined for use in power plants, to deny Amoco the same opportunity would be unduly preferential and discriminatory. Failure to grant to Amoco the relief sought herein would be "so inconsistent with its precedents as to constitute arbitrary treatment amounting to an abuse of discretion," Amoco submits.

Amoco states in conclusion that the basis for the prohibitory conditions imposed by the May 2, 1977, order and the orders that followed it, has dissipated and that as a consequence of the NGPA, the natural gas supply available and potentially available to the interstate market has improved dramatically. It is asserted that these facts and equitable considerations support removal of the prohibitions on the transportation for sale to FP&L of offshore domain gas produced by Amoco.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 5, 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 participating as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–7213 Filed 3–16–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82-146-001]

Commonwealth Edison Co.; Compliance Filing

March 12, 1982.

The filing company submits the following:

Take notice that on March 5, 1982, Commonwealth Edison Company filed a revised rate schedule, Rate 79, Wholesale Service to the City of Rochelle and the Village of Winnetka. The filing is made pursuant to the Commission's order of February 5, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 30, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7205 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-371-000]

Dayton Power & Light Co.; Filing

March 12, 1982.

The filing Company submits the following:

Take notice that on March 8, 1982, The Dayton Power and Light Company (DP&L) tendered for filing an executed Service Agreement For Partial Requirements And/Or Transmission Wheeling Service to Municipalities For Resale (Service Agreement) between DP&L and the Village of Versailles, Ohio.

The proposed Service Agreement permits the Village of Versailles to receive partial requirements and transmission wheeling service from DP&L under its FERC Electric Tariff, Original Volume No. 2. The previous service agreement between DP&L and the Village of Versailles, under which the Village of Versailles received service pursuant to DP&L's FERC Electric Tariff Original Volume No. 1, is superseded.

DP&L requests the Commission waive its notice and filing requirements and permit the proposed Service Agreement to become effective April 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7206 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5260-002]

Cornwall Paper Mills; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

March 15, 1982.

Take notice that on March 2, 1982, Cornwall Paper Mills (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 the proposed Salisbury Mills Hydroelectric Project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5260) would be located on Moodna Creek in the Towns of Blooming Grove and Cornwall, Orange County, New York. Correspondence with the Applicant should be directed to: Mr. Thomas San Giacomo, Vice President, Cornwall Paper Mills Company, Cornwall, New York 12518.

Project Description—The proposed project consists of: (1) An existing 15-foot high, 192-foot long concrete gravity spillway dam; (2) a 6 acre pond with no storage capacity at elevation 288.45 feet M.S.L.; (3) an existing 6-foot diameter 85-foot long steel penstock; (4) an existing powerhouse whose remains will be rehabilitated and would include two new or reconditioned turbine-generators with a total rated capacity of 500 kW; (5) a tailrace channel; (6) a transmission line; and (7) appurtenant facilities.

Purpose of Project—Energy produced at the project would be sold to Central Hudson Gas and Electric Company distribution to its customers.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the New York State Department of Environmental Conservation are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 6, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 6, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the

Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7214 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5992-000]

Edmondson Hydro Associates; Application for Preliminary Permit

March 15, 1982.

Take notice that Edmondson Hydro Associates (Applicant) filed on February 17, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C 791(a)–825(r)] for Project No. 5992 to be known as the Edmondson Hydropower Project located on the Holston River in Washington County, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Wayne L. Rogers, President, Synergics, Inc., 1444 Foxwood Court, Annapolis, Maryland 21401.

Project Description—The proposed project would consist of: (1) An existing concrete gravity dam 37 feet high and 378 feet long; (2) an existing reservoir with a surface area of approximately 85 acres, an estimated normal storage capacity of 697 acre-feet, and an elevation 1,878 feet m.s.l.; (3) an existing powerhouse to include generating facilities capable of obtaining an installed capacity of 600 kW; (4) proposed transmission lines to connect the generators to the existing distribution system; and (5) appurtenant facilities. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 2.6 GWh. Power at the proposed project would be sold to Appalachian Power Company.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $36,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 28, 1982, the competing application itself [see: 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before May 27, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7215 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-179-000]

El Paso Natural Gas Co.; Application

March 15, 1982.

Take notice that on January 28, 1982, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP82–179–000 an application as supplemented February 16, 1982, pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline and appurtenant facilities to increase the capacity of its Panoma System, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant asserts that substantial quantities of natural gas are presently available and are anticipated to become available in the future from the Anadarko and Arkoma Basin areas of Texas and Oklahoma which are in excess of the present design transport capacity of the Panoma System. In order to receive a portion of such additional reserves, Applicant avers that it has entered into a gas transportation agreement dated January 13, 1982, with Natural Gas Pipeline Company of America (Natural) pursuant to which Natural would assist Applicant in the transportation of its Anadarko and Arkoma Basin area natural gas reserves which can be made available to Natural at a point in Washita County, Oklahoma.

It is further asserted that Applicant has entered into a gas transportation agreement dated January 21, 1982, with Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), wherein Northern has agreed to assist

Applicant in the transportation of its Anadarko and Arkoma Basin area natural gas reserves which can be made available to Northern at a proposed point of interconnection in Gray County, Texas. It is explained that Northern would concurrently deliver thermally equivalent volumes of natural gas to Applicant at the existing point of interconnection of the parties in Winkler County, Texas.

It is stated that Northern would initially transport up to 150,000 Mcf of gas per day at the proposed point of interconnection between Northern's existing 30-inch O.D. K–B pipeline and Applicant's mainline transmission system in Gray County. Applicant asserts that because the proposed point is to be located approximately 114 miles from the eastern inlet of the Panoma System in Washita County, Oklahoma, Applicant must increase the capacity of the Panoma System between said inlet and Applicant's EPNG-Schafer plant in Carson County, Texas, by approximately 150,000 Mcf per day. Applicant, therefore, proposes to construct and operate approximately 41.2 miles of 20-inch O.D. loop pipeline between Applicant's Panoma No. 1 plant in Gray County and Applicant's EPNG-Schafer plant and approximately 6.6 miles of 20-inch O.D. loop pipeline commencing at a point on Applicant's existing 20-inch O.D. Lear delivery point to Panoma No. 1 plant pipeline extending to Applicant's Panoma No. 1 plant. Applicant also proposes the construction and operation of one 3,830 horsepower gas turbine-driven centrifugal compressor unit in Gray County to be known as the Pampa station in order to permit deliveries of gas to Northern at the proposed delivery point. In order to accommodate the additional volumes received by Applicant at the Winkler County interconnection, Applicant proposes to replace the two existing 10¾-inch O.D. standard orifice meters with 3 12¾-inch O.D. standard orifice meters. Applicant also proposes to construct and operate certain miscellaneous facilities.

Applicant estimates the cost of the proposed construction to be $21,248,023 to be financed through the use of internally generated funds.

Applicant asserts that the increase in the capacity of the Panoma System proposed herein would provide Applicant with a means of making such long-term reserves available to existing market areas.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7216 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-203-000]

Gas Gathering Corp.; Application

March 15, 1982.

Take notice that on February 16, 1982, Gas Gathering Corporation (Applicant), P.O. Box 519, Hammond, Louisiana 70404, filed in Docket No. CP82-203-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes pursuant to an agreement dated November 20, 1981, to transport and deliver up to 5,000 Mcf of natural gas per day to Transco at Transco's Sherburne Meter Station, Pointe Coupee Parish, Louisiana.

It is stated that no new facilities are required and that Applicant proposes to charge Transco 6.5 cents per Mcf pending resolution of Applicant's current rate proceeding in Docket No. RP82-7.

It is further stated that Applicant commenced transportation service on or about November 26, 1981, and has continued to render service to Transco since that date. Applicant states that it commenced service under this agreement on the belief that prior certificates issued by this Commission covering sales to Transco covered the instant transaction and, if any additional authorization by this Commission were required, such authorization would be routine.

Applicant states that approximately 2,000 Mcf of natural gas per day have been transported under this agreement to date and that it is continuing to render service at this time because to shut down the wells could cause them to water-up and necessitate expensive work-over operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition

for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7217 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6021-000]

Grisdale Hill Co.; Application for Preliminary Permit

March 15, 1982.

Take notice that Grisdale Hill Company (Applicant) filed on February 24, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6021 to be known as the Copeland Creek Hydroelectric Project located on Copeland Creek within Umpqua National Forest in Douglas 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. Leo S. Fisher, Suite 423, 1200 New Hampshire Avenue, NW., Washington, D.C. 20036.

Project Description—The proposed project would consist of: (1) A 6-foot high reinforced concrete diversion structure at elevation 1,920 feet; (2) a low pressure conveyance 11,000 feet long; (3) a penstock 48 inches in diameter and 700 feet long; (4) a powerhourse at elevation 1,600 feet containing a turbine generator with 2.5 MW capacity and 8.76 GWh annual energy output; and (5) a transmission line ¾ mile long.

Purposed 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 engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $125,000.

Competing Applications—This application was filed as a competing application to the City of Canyonville, Oregon's application for Project No. 5687 filed on November 24, 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 for 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 May 4, 1982.

Filing and Service of Responsive Documents—Any filing 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. 82-7207 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP70-239-005]

Kansas-Nebraska Natural Gas Co., Inc.; Petition To Amend

March 15, 1982.

Take notice that on February 24, 1982, Kansas-Nebraska Natural Gas Company, Inc. (Petitioner), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP70–239–005 a petition pursuant to Section 7(c) of the Natural Gas Act to amend the order issued July 22, 1970,[1] in the instant docket, as amended, so as to add an aditional delivery point at which Petitioner would receive natural gas from Cities Service Gas Company (Cities Service), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is submitted that by order issued July 22, 1970, in the instant docket, as amended, Petitioner was authorized to exchange natural gas with Cities Service pursuant to an exchange agreement dated March 27, 1970, which provides for the exchange of up to 150,000 Mcf of gas per day between Cities Service and Petitioner. Originally, it is stated, Petitioner delivered natural gas to Cities Service at a point on Cities Service's Hugoton-Kansas City pipeline near Haven, Kansas (Haven exchange point), and Cities Service delivered equivalent volumes to Petitioner at the discharge of Cities Service's Hugoton compressor station in Grant County, Kansas. Petitioner states that by amendments to the July 22, 1970, order, additional points of delivery have been added.

Petitioner now proposed to amend further the July 22, 1970, order so as to permit Cities Service to deliver gas to Petitioner under their exchange agreement at an additional delivery point in Gray County, Kansas, the Copeland II delivery point, or at a mutually agreeable point in that area.

Petitioner asserts that the proposed new delivery point is needed to enable Petitioner to provide service to new irrigation customers in the area while at the same time maintaining reliable service to existing customers.

It is further asserted that Cities Service would arrange for the construction and operation of all necessary delivery and measurement facilities. The cost of said facilities is estimated to be approximately $50,000 which cost would be reimbursed by Petitioner.

---

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7218 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5746-000]

Long Lake Energy Corp.; Application for Preliminary Permit

March 15, 1982.

Take notice that Long Lake Energy Corporation (Applicant) filed on December 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5746 to be known as the Green Island Hydroelectric Project located on the Hudson River in the City of Troy, Rensselaer County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed run-of-river project would utilize the existing U.S. Army Corps of Engineers Troy Dam and would consist of: (1) A new gated intake structure; (2) a new power canal; (3) a new powerhouse containing 4 generating units having a total rated capacity of 11,900-kW; (4) a new tailrace; (5) a new switchyard; (6) a new 2,000-foot long transmission line; and (7) appurtenant facilities. Applicant estimates that the average annual energy output would be 42,325,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Purposed Scope of Studies under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would prepare studies investigations, tests and surveys to determine the technical and economic feasibility of the proposed project and would prepare an application for an FERC license. Applicant estimates cost of the studies under the permit would be $79,000.

Competing Applications.—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 25, 1982, the competing application itself [see: 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before May 25, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 25, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7208 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5923-000]

Long Lake Energy Corp.; Application for License (Over 5 MW)

March 15, 1982.

Take notice that Long Lake Energy Corporation (Applicant) filed on January 28, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as the Carthage Hydroelectric Project No. 5923. The project would be located on the Black River in Jefferson County, New York. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer, Long Lake Energy Corporation, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed run-of-the-river project would consist of: (1) The existing State Dam, a composite structure with an overall length of approximately 829 feet with a height varying from 2 to 8 feet which will be reconstructed to include (a) at the northwest (right) abutment, a new concrete spillway section 40 feet long, connecting to (b) a new leaf gate structure 80 feet long, connecting to (c) a spillway section about 609 feet long with crest elevation 726.4 feet m.s.l.; (2) a new rockfill embankment with impervious core, about 2,200 feet long and of variable height with top of wall elevation 734.0 feet m.s.l.; extending from the southwest end of State Dam to form an open headwater canal along the southwest bank of the river; (3) a reservoir with a surface area of 694 acres and storage capacity of 2,330 acre-feet at surface elevation 726.4 feet m.s.l.; (4) a new combination intake structure and powerhouse (at the downstream end of the canal) with an installed capacity of 19,275 kW and an estimated annual generation of 77,237,000 kWh; (5) a new tailrace about 1,190 feet long; (6) a

115-kV transmission line about 6,400 feet long; and (7) other appurtenances.

Purpose of Project—Project energy would be sold to Niagara Mohawk Power Corporation.

Competing Applications—This application was filed as a competing application to Mary Jane Hirschey's application for Project No. 4908–001 filed on December 16, 1981. Anyone desiring to file a competing application must submit to the Commission, on or before, either the competing application May 25, 1982, 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 May 25, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any *notice of intent, competing application,* or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7219 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-206-000]

Mustang Fuel Corp.; Application for Approval of Transportation Agreement

March 15, 1982.

Take notice that on February 17, 1982, Mustang Fuel Corporation (Applicant), 1100 First National Center East, Oklahoma City, Oklahoma 73102, filed in Docket No. CP82–206–000 an application pursuant to Section 284.127 of the Commission's Regulations for approval of a transportation agreement providing for the transportation of natural gas for El Paso Natural Gas Company (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in Docket No. ST81–260–000 it was authorized to charge El Paso 22.29 cents per Mcf for the transportation of natural gas for El Paso pursuant to a transportation agreement dated January 9, 1981, between the parties for a primary term of two years commencing on the date of the first delivery of gas thereunder. It is stated that the transportation agreement has now been amended to extend the primary term to a minimum of at least fifteen years. Applicant asserts that actual commencement of deliveries of natural gas began September 30, 1981.

Applicant explains that a description of the transportation service including the estimated total and maximum daily quantities of natural gas to be transported and the basis for rates and charges is contained in Applicant's petition for approval of rates and charges for transportation of gas in Docket No. ST81–260–000. Applicant proposes to charge El Paso 22.29 cents per Mcf for the transportation services.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7220 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-303-004]

Natural Gas Pipeline Co. of America; Petition To Amend

March 15, 1982.

Take notice that on February 25, 1982, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81–303–004 a petition to amend the order issued August 12, 1981, in the instant docket pursuant to Section 7 of the Natural Gas Act so as to authorize the extension of the term of sale of natural gas to Faustina Pipe Line Company (Faustina) for an additional three hundred and sixty-three days and the sale of up to 25,000,000 Mcf of natural gas during the extension period, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued August 12, 1981, Petitioner was authorized to sell up to 37,000,000 Mcf of natural gas to Faustina for a term expiring on July 31, 1981. It is stated that on February 19, 1982, Petitioner and Faustina amended their gas sales agreement of March 30, 1981, extending the term of the sale for an additional period of three hundred and sixty-three days commencing upon the later of August 1, 1982, or the receipt of appropriate regulatory approvals authorizing such additional term. Petitioner also proposes to sell a total of 25,000,000 Mcf of gas during the additional term.

Petitioner submits that its gas supply is sufficient to extend the term of the sale to Faustina without impairing or reducing service to its present customers. Furthermore, it is averred that Faustina would use the gas sold by Petitioner exclusively to supplement its system supply and that the end use of the gas would be for feedstock and process fuel.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the

Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7221 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-388-005]

Northwest Alaskan Pipeline Co.; Filing of Proposed Changes in FERC Gas Tariff

March 11, 1982.

Take notice that on March 1, 1982, Northwest Alasken Pipeline Company ("Northwest Alaskan") submitted the below-listed tariff sheets to its FERC Gas Tariff, Original Volume No. 2 all to become effective April 1, 1982.

First Revised Sheet No. 5
Original Sheet No. 423
Original Sheet No. 424
Original Sheet No. 425
Original Sheet No. 483
Original Sheet No. 484

Northwest Alaskan states that Original Sheet No. 5 was revised to reflect the semi-annual adjustment to the administrative cost component of Northwest Alaskan rates to Pacific Interstate Transmission Company ("Pacific Interstate"). The rate proposed to become effective April 1, 1982 is $.00704 per MMBtu.

Original Sheet Nos. 423, 424, 425, 483 and 484 are being submitted as a second appendix in order to clarify various definitions and terms used throughout the tariff.

Northwest Alaskan states that a copy of this filing and supporting materials have been served upon Pacific Interstate Public Utility Commission of the State of California and parties of record in Docket No. CP81-388, *et al.*

Any person desiring to be heard or to protest said filing shoud file a petition to intervene or protest with the FERC in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures. All such petitions or protests should be filed on or before March 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7222 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA82-12-000]

Pacific Offshore Pipeline Co.; Application for Adjustment

Issued March 12, 1982.

On February 25, 1982, Pacific Offshore Pipeline Company, 810 South Flower Street, Los Angeles, California 90017 (POPCO) filed with the Federal Energy Regulatory Commission (Commission) an application for relief from the incremental pricing regulations of the Commission. (*See* 18 CFR Part 282.) Popco's request shall be treated as an application for an adjustment to the Commission's incremental pricing regulations issued under Title II of the Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3341-3346 (Supp. II 1978). Popco states it will serve as an interstate pipeline company commencing in 1983 once construction is completed. It further states that it is doubtful that it will make make any gas purchases in the future that are subject to incremental pricing surcharges inasmuch as California incremental pricing regulations set retail rates and charges for matural gas to non-exempt industrial customers at or above the federal alternative fuel price ceiling.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, 18 CFR 1.41.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41.

All petitions to intervene must be filed on before April 1, 1982.

Kennth F. Plumb,

Secretary.

[FR Doc. 82-7223 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-208-000]

United Gas Pipe Line Co.; Application

March 15, 1982.

Take notice that on February 23, 1982, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP82-208-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain measuring facilities located in Jefferson Davis Parish, Louisiana, 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 certain facilities which were constructed to enable Applicant to receive natural gas produced by Clover Energy Corporation (Clover Energy) from the No. 1 Rocca well in Woodlawn Field, Jefferson Davis Parish, Louisiana. Subsequently, it is asserted, Clover Energy plugged and abandoned the No. 1 Rocca well and the owner of the land on which the subject facilities are located has now requested Applicant to remove such facilities from his property in order to return the use of this site to cultivation.

Applicant submits that the proposed abandonment would be implemented without detriment or termination of gas service to any of Applicant's customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 5, 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, 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. 82-7224 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5853-000]

Western Hydro Electric, Inc.; Renotice of Application for License (5 MW or Less)*

March 15, 1982.

Take notice that Western Hydro Electric, Inc. (Applicant) filed on January 4, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as Olney Creek Falls Project No. 5853. The project would be located on Olney Creek near Town of Gold Bar in Snohomish County, Washington. Correspondence with the Applicant should be directed to: Mr. J. Kirk Rector, Legal Counsel, Western Hydro Electric, Inc., 4832 Colony Circle, Salt Lake City, Utah 84117.

Project Description—The proposed project would consist of: (1) An existing diversion structure which would be renovated; (2) an existing 30-foot wide spillway; (3) a 1,150-foot long, 60-inch diameter penstock; (4) a powerhouse with total installed capacity of 1,500 kW; (5) a 100-foot long tailrace canal; (6) a pump and flow return pipe returning some of the powerplant discharge to the base of the Olney Creek Falls; (7) the facilities to interconnect with existing transmission line maintained by the Snohomish County Public Utility District No. 1; and (8) improving and widening by 5 feet, an existing access road.

Purpose of Project—The proposed project would redevelop the potential hydropower at Olney Creek Falls. Applicant estimates that 9.3 million kWh of energy produced annually by the project would be sold to the Snohomish County PUD.

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. June 25, 1982.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 25, 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 May 25, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7209 Filed 3-16-82; 8:45 am]

BILLING CODE 6717-01-M

*This notice supersedes the notice issued on February 23, 1982, for Project No. 5853, in its entirety.

ENVIRONMENTAL PROTECTION AGENCY

[ORD-FRL-2076-8; Docket No. ECAO-CD-81-1]

Air Quality Criteria Document for Ozone and Other Photochemical Oxidants

AGENCY: Environmental Protection Agency.

ACTION: Call for information.

SUMMARY: The Environmental Criteria and Assessment Office of the U.S. Environmental Protection Agency (EPA) is undertaking to prepare an air quality criteria document assessing the causes and effects of ozone and other photochemical oxidants in the environment. Effects of concern are those of health: Animal and human, and welfare: Vegetation, materials, acidic deposition, visibility, and climate. Supporting air chemistry chapters will include information on ozone and photochemical oxidants as well as their nitrogen oxide and volatile organic precursors, including lower molecular weight aldehydes. Any information submitted on sources, emissions and concentrations, especially of precursors, will be particularly useful.

Interested parties are invited to assist EPA in developing and refining a scientific information base for this document. To be considered for inclusion in the document, submitted material should already be published, accepted for publication, or presented at a public scientific meeting.

DATES: All communications and information should be submitted by August 1, 1982, and addressed to Ms. Beverly E. Tilton, Environmental Criteria and Assessment Office (MD-52), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Dated: March 5, 1982.

Alan Neuschatz,

Acting Assistant Administrator for Research and Development.

[FR Doc. 82-7137 Filed 3-16-82; 8:45 am]

BILLING CODE 6560-35-M

[A-FRL-2077-5]

Announcement of Fuel Economy Retrofit Device Evaluation for "Energy Gas Saver"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Energy Gas Saver" under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

Background Information

Section 511(b)(1) and section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the Federal Register a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 (44 FR 17946).

Origin of Request for Evaluation

On June 5, 1981, the EPA received a request from the Energy Gas Saver Corporation for evaluation of a fuel saving device known as the "Energy Gas Saver." This device is claimed to reduce exhaust emissions and save fuel.

Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Energy Gas Saver Under Section 511 of the Motor Vehicle Information and Cost Savings Act." This entire report is contained in two volumes. The discussions, conclusions and list of all attachments are listed in EPA–AA–TEB–511–82–7A, which consists of 11 pages. The attachments are contained in EPA–AA–TEB–511–82–7B, which consists of 115 pages. The attachments include correspondence between the applicant and EPA, and all documents submitted in support of the application.

Copies of this report may be obtained from the National Technical Information Service by using the above report number. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161; Telephone: (703) 487–4650 or FTS 737–4650.

Summary of Evaluation

EPA fully considered all of the information submitted by the device manufacturer in his application. The description of the device and the supporting text did not indicate that the device would improve combustion efficiency. The test data submitted with the application was inconclusive.

While thorough mixing of fuel and air and even distribution among the cylinders will enhance the combustion process, there is no evidence that the use of this device will result in any improvements over an unmodified induction system. Adjustment of the ignition timing and idle fuel mixture with an exhaust gas analyzer to achieve the best possible emission readings may cause driveability problems in some vehicles. Based on EPA's engineering judgment, there is no reason to support any claims for improvements in fuel economy or exhaust emissions due to the use of the Energy Gas Saver.

For Further Information Contact: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (313) 668–4299.

Dated: March 1, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 82-7139 Filed 3-16-82; 8:45 am]

BILLING CODE 6560-26-M

[PH-FRL-2077-7; PW-32]

Hercules, Inc.; Withdrawal of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Hercules, Inc. has withdrawn a pesticide petition (PP 7F1942) for residues of the insecticide dialifor in or on the raw agricultural commodity walnuts.

FOR FURTHER INFORMATION CONTACT: William Miller, Product Manager (PM) 16, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–2600).

SUPPLEMENTARY INFORMATION: In the Federal Register of June 13, 1977 (42 FR 29956), Hercules, Inc., 901 Market St., Wilmington, DE 09899, submitted a pesticide petition (PP 7F1942) proposing the establishment of a tolerance for residues of the insecticide dialifor (*S*-(2-chloro-1-phthalimidoethyl) *O,O*-diethyl phosphorodithioate and its oxygen analog *O*-(2-chloro-1-phthalimidoethyl) *O,O*-diethyl phosphorothioate in or on the raw agricultural commodity walnuts at 0.01 part per million (ppm).

Hercules, Inc. has withdrawn this petition without prejudice to future filing in accordance with the regulations.

(Sec. 408, Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a[d]))

Dated: March 8, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-7141 Filed 3-16-82; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL-2072-6; PF-265]

Stauffer Chemical Co.; Filing or Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Stauffer Chemical Company has submitted a pesticide petition proposing an exemption from the requirement of a tolerance for the insect growth regulator 1-(8-methoxy-4,8-dimethylnonyl)-4-(1-methylethyl)benzene when used on fields, on fallow pasture, or crops to control red imported fire ants.

ADDRESS: Written comments to: Frank D. R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petition is pending before the Agency. The comments are to be identified by the document control number "(PF–265)" and the petition number. All written comments filed in response to this notice will be available for public inspection in the product

manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:
Frank D. R. Gee, (703–557–2690).

SUPPLEMENTARY INFORMATION: EPA gives notice that the Stauffer Chemical Company, 1200 South 47th St., Richmond, CA 94804, has submitted a pesticide petition (PP 2F2635) proposing to amend 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for the insect growth regulator 1-(8-methoxy-4,8-dimethylnonyl)-4-(1-methylethyl)benzene when used on fields, on fallow pasture, or crops to control red imported fire ants.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: March 9, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-7140 Filed 3-16-82; 8:45 am]

BILLING CODE 6560-32-M

[FRL 2058-7]

National Steel Corp.; Steel Industry Compliance Extension Act of 1981

AGENCY: Environmental Protection Agency.

ACTION: Notice of withdrawal.

SUMMARY: EPA announces that National Steel Corporation has withdrawn its application under the Steel Industry Compliance Extension Act of 1981.

DATES: Effective March 11, 1982.

FOR FURTHER INFORMATION CONTACT:
Michael Alushin, Director, Special Projects Staff, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202) 382–4148.

SUPPLEMENTARY INFORMATION: On July 17, 1981, National Steel Corporation submitted to the Environmental Protection Agency an application under the Steel Industry Compliance Extension Act of 1981. Notice of receipt of the application was published at 46 FR 46001. By letter dated March 10, 1982, National Steel Corporation withdrew the application from further consideration by EPA. EPA, therefore, will not further process the application. The application and supplementary materials, excluding confidential information, is available for public inspection at the Central Docket Room, West Tower, EPA Headquarters, 401 M Street SW., Washington, D.C. Refer to Docket Number EN 81–16A.

Dated: March 11, 1982.

William A. Sullivan, Jr.,

Enforcement Counsel.

[FR Doc. 82-7138 Filed 3-16-82; 8:45 am]

BILLING CODE 6560-41-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Wednesday, April 21, 1982 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C. March 11, 1982.

Charles H. Atherton,

Secretary.

[FR Doc. 82-7106 Filed 3-16-82; 8:45 am]

BILLING CODE 6330-01-M

FEDERAL RESERVE SYSTEM

Bancorp of Mississippi, Inc.; Formation of Bank Holding Company

Bancorp of Mississippi, Inc., Tupelo, Mississippi, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99.9 percent or more of the voting shares of Bank of Mississippi, Tupelo, Mississippi, the successor by merger with Lee County Interim Bank, Tupelo, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-7121 Filed 3-16-82; 8:45 am]

BILLING CODE 6210-01-M

Exchange Financial Corp.; Formation of Bank Holding Company

Exchange Financial Corporation, Ardmore, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Exchange National Bank & Trust Company, Ardmore, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-7122 Filed 3-16-82; 8:45 am]

BILLING CODE 6210-01-M

First & Merchants Corp.; Acquisition of Bank

First & Merchants Corporation, Richmond, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 22.08 percent and not more than 35 percent of the voting shares of The Wise County National Bank, Wise, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 9, 1982. Any comment on an application

that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-7123 Filed 3-16-82; 8:45 am]

BILLING CODE 6210-01-M

First National Bancorp of Rutherford County, Inc.; Formation of Bank Holding Company

First National Bancorp of Rutherford County, Inc., Smyrna, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Rutherford County, Smyrna, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-7124 Filed 3-16-82; 8:45 am]

BILLING CODE 6210-01-M

First National Corp. of Picayune; Formation of Bank Holding Company

First National Corporation of Picayune, Picayune, Mississippi, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Picayune, Picayune, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-7125 Filed 3-16-82; 8:45 am]

BILLING CODE 6210-01-M

First State Bancshares, Inc.; Formation of Bank Holding Company

First State Bancshares, Inc., Pineville, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank of Pineville, Pineville, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 7, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-7126 Filed 3-16-82; 8:45 am]

BILLING CODE 6210-01-M

Hudson Bancshares, Inc.; Formation of Bank Holding Company

Hudson Bancshares, Inc., Hudson, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Hudson State Bank, Hudson, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-7127 Filed 3-16-82; 8:45 am]

BILLING CODE 6210-01-M

Letchworth Independent Bancshares Corp.; Formation of Bank Holding Company

Letchworth Independent Bancshares Corporation, Castile, New York, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 81 percent or more of the voting shares of The Bank of Castile, Castile, New York. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Letchworth Independent Bancshares Corporation, Castile, New York, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Letchworth Ag Credit Corporation, Castile, New York.

Applicant states that the proposed subsidiary would engage in the activities of making and servicing agricultural loans in accordance with provisions of the Farm Credit Act. These activities would be performed from offices of Applicant's subsidiary in Castile, New York, and the geographic areas to be served are Wyoming, Livingston, Genesee and Allegany Counties. Such activities have been specified by the Board in § 225.4(a) of

Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than April 9, 1982.

Board of Governors of the Federal Reserve System, March 10, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-7128 Filed 3-16-82; 8:45 am]

BILLING CODE 6210-01-M

National Bancshares, Inc.; Formation of Bank Holding Company

National Bancshares, Inc., Clovis, New Mexico, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Clovis, Clovis, New Mexico. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 7129 Filed 3-16-82; 8:45 am]

BILLING CODE 6210-01-M

Overbrook Bancshares, Inc.; Formation of Bank Holding Company

Overbrook Bancshares, Inc., Overbrook, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First Security Bank, Overbrook, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-7130 Filed 3-16-82; 8:45 am]

BILLING CODE 6210-01-M

Satanta Bancshares, Inc.; Formation of Bank Holding Company

Satanta Bancshares, Inc., Satanta, Kansas, has applied applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The State Bank of Satanta, Satanta, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-7131 Filed 3-16-82; 8:45 am]

BILLING CODE 6210-01-M

U.S. Bancorp; Acquisition of Bank

U.S. Bancorp, Portland, Oregon, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First National Bank of Oregon, Canby, Oregon. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-7132 Filed 3-16-82; 8:45 am]

BILLING CODE 6210-01-M

United Bancorp of Maryland, Inc.; Formation of Bank Holding Company

United Bancorp of Maryland, Inc., Oxon Hill, Maryland, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to United Bank and Trust Company of Maryland, Oxon Hill, Maryland. The factors that are

considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 9, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 10, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-7133 Filed 3-16-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended in pertinent part at 42 FR 14930, March 17, 1977) is amended to reflect the following change within the National Institute of Allergy and Infectious Diseases (NIAID): Revise the Extramural Activities Program (EAP) functional statement. This change is required because the Program Analysis and Evaluation Branch, EAP, is being abolished and its personnel and function are being transferred to the Office of the Director, NIAID. This action will permit the Institute to more readily achieve its mission by enhancing the planning and evaluation resources within the Office of the Director. In addition, it will refine the mission of the Extramural Activities Program.

Sec. HN-B, Organization and Functions, is amended as follows: (1) Under the heading *National Institute of Allergy and Infectious Diseases (HN-M),* delete the functional statement for the *Extramural Activities Program (HN-M7)* in its entirety and substitute the following:

Extramural Activities Program (HN-M7). (1) Plans and directs a program for the development, production, and distribution to contractors, grantees, and other qualified researchers of research reagents, typing sera, and other rescarch resources unavailable in the open market and necessary for the conduct of research in the program areas of the Institute; (2) plans and directs a program for development of research manpower in areas of interest to the Institute; (3) provides initial scientific merit review of program project grants and research contracts for the Institute, prepares for final scientific and programmatic review by the National Advisory Council, and coordinates Council activities; (4) advises the Institute Director on research contract, grant, and training program policy; (5) represents the Institute on overall NIH extramural and collaborative program policy committees, coordinates such polity within the Institute and with other NIH institutes; (6) provides all the Institute programs with grant and contract management and processing services and manages the scientific review committees and the National Advisory Allergy and Infectious Diseases Council; and (7) provides central management and control over research grant, training, and contract funds, and prepares and issues awarding documents and encumbrance documents for all Institute extramural programs.

Dated: March 8, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-7151 Filed 3-16-82; 8:45 am]

BILLING CODE 4140-01-M

Privacy Act System of Records; Technical Correction to a Republished System

AGENCY: Public Health Service, HHS.

ACTION: Correction of the name of the organization which has converted the Boston Public Health Service Hospital to community use, as listed in Appendix 1 of system of records 09-15-0007, "Patients Medical Record System PHS Hospitals/Clinics," HHS/HSA/BMS.

SUMMARY: On January 18 the Public Health Service (PHS) republished Privacy Act system notice **09-15-0007,** "Patients Medical Record System PHS Hospitals/Clinics," HHS/HSA/BMS, in order to amend a routine use and change in listing of locations. (FR Vol. 47, No. 11, pp. 2510-2513, FR Doc. 82-1208.) This action was taken to comply with the provisions of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), which required that the PHS hospitals or clinics either be closed or converted to community use.

In that publication, the name of the successor organization in Boston was incorrectly listed in Appendix 1 as St. Elizabeths Hospital, 77 Warren Street, Boston (Brighton), Masachusetts 02135. The correct name is Brighton Marine Public Health Center. The address is correct as listed.

FOR FURTHER INFORMATION CONTACT: Dr. John E. Marshall, Director, Medical Facilities Conversion Staff, Office of the Assistant Secretary for Health, PHS, Room 7-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-1363. This is not a toll-free number.

Dated: March 8, 1982.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

[FR Doc. 82-7116 Filed 3-16-82; 8:45 am]

BILLING CODE 4160-16-M

Social Security Administration

Refugee Resettlement Program; Proposed Formula for Allocation to States of FY 1982 Refugee Social Service Funds

AGENCY: Refugee Resettlement Office, Social Security Administration, HHS.

ACTION: Notice of proposed formula for allocation to States of FY 1982 refugee social service funds.

SUMMARY: This notice proposes the formula for allocation to States of FY 1982 social services funds under the Refugee Resettlement Program (RRP). The formula will yield the allowable allocation of FY 1982 refugee social services funds for each State participating in the RRP.

DATE: Comments on the allocation method provided for in this notice will be considered if received on or before April 16, 1982.

ADDRESS: Address written comments, in duplicate, to: Ellen McGovern, Office of Refugee Resettlement, Room 1229 Switzer, Building, 330 C Street, SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Ellen McGovern (202) 472-6510.

SUPPLEMENTARY INFORMATION:

I. Proposed Formula

The Director of the Office of Refugee Resettlement (ORR) proposed to allocate funds available for FY 1982 to States for refugee social services in accordance with the formula specified below.

Each State's allowable allocation will consist of that State's proportion of the

total funds which the Director determined to be available for this purpose. A State's allowable allocation will be determined as follows:

The sum of—

1. (a) The number of refugees in the State who arrived in the U.S. not more than three years prior to the beginning of the fiscal year for which the funds are appropriated, as shown by the latest annual alien registration data from the Immigration and Naturalization Service (or comparable registration system) available at the time the allowable allocation is determined; and

(b) The number of refugees who have arrived in the State subsequent to the date of the annual alien registration data used in (a), above, as shown by the best data available to the Director at the time the allowable allocation is determined, adjusted for estimated secondary migration;

Will be divided by—

2. The national total of 1(a) and 1(b) above;

And the result will be multiplied by—

3. The total amount of funds determined by the Director to be available for this purpose.

The calculation above will yield the allowable allocation for each State.

Example

The following presents a computation for a hypothetical State XYZ based on the proposed formula. All population figures are from ORR records or estimated actuals.

- State XYZ refugee population: 10/1/78 to 12/31/79 14,500+1/1/80 to 10/1/81 5,250=19,750
- U.S. refugee population (estimated actuals): 10/1/78 to 12/31/79 170,000+1/1/80 to 10/1/81 232,000=402,000
- State/U.S. refugee population proportion: 19,750÷402,000=.04913
- FY 1982 funds determined by ORR director to be available for this purpose: $57,435,000
- State allowable allocation for refugee support services: $57,435,000×.04913=$2,821,782

The Director believes that the above formula will result in allocations related to refugees generally having the greatest need for services (recent arrivals) and will at the same time minimize fluctuations in funding which would result if the allocations were based on changes in numbers of refugees arriving during time periods shorter than three years. Thus the formula is expected to provide greater stability in State planning and programming for refugee services.

The population estimates for the proposed allocation of funds in FY 1982 are based on the January 1980 INS alien registration and subsequent arrivals (see section III, below). The last INS annual alien registration was conducted in January 1981, but data from that registration are not yet available. Under amendments to the Immigration and Nationality Act enacted on December 29, 1981 (Pub. L. 97–116), all aliens are no longer required to register with INS on an annual basis. We believe that the January 1981 registration will provide an appropriate base for population estimates for social service funds to be allocated for FY 1983. An alternative proposal, based on available data, will be developed for subsequent years and published for public comment.

II. Amount Proposed for Allocation

ORR expects $67,571,000 to be available for refugee social services in FY 1982.

The Director proposes to allocate $57,435,000 (approximately 85%) of this total to States under the proposed formula. The grant awards to each State will depend upon the acceptance of each State's proposals for providing services in accordance with existing rules at 45 CFR Part 400.

The remaining funds would be used on a discretionary basis to meet special and unforeseeable needs of States and to carry out special projects intended to contribute to the effectiveness and efficiency of the refugee resettlement program in service delivery and self-support. Discretionary funds would be made available to States on the basis of special needs arising from such factors as unanticipated secondary in-migration, changed geographic distribution of new refugee arrivals, and special needs of particular refugee groups. Of the remaining 15% of funds, up to 5% could be used for special projects similar to demonstration projects, and the remainder (at least 10%) would be made available to States during the year on a discretionary basis to meet special needs. Some of the discretionary funds would also be used, if needed, to provide additional funding under the proposed formula resulting from any adjustments made in population estimates (see section III, below) beyond the estimates specified in section IV.

The special projects could test approaches to particular problems or be designed to develop model programs in refugee service delivery and self-support, including: Delivery of social services to special refugee populations; development of job opportunities; vocational-English training; and paticipation of community agencies, refugee organizations, business leadership, and volunteers in increasing refugee self-sufficiency. An announcement of the availability of funding and grant application procedures for such projects would be published in the **Federal Register.**

III. Basis for Population Estimates

The population estimates used for the proposed allocations for FY 1982 cover Southeast Asian and Cuban refugees (not entrants) who arrived from October 1, 1978, through September 30, 1981. These are the two principal groups that are covered by the State-administered programs.

The starting point for the population estimates in the Immigration and Naturalization Service (INS) alien registration for January 1980, the last available enumeration of the Southeast Asian population in the United States. Although we recongize that the INS alien registration figures have certain limitations, since not all persons register and since time has passed since the registration took place, we believe that these data provide the best possible starting point since no other nationwide data exist that reflect the relocation of refugees after their initial resettlement in the U.S.

The population base has been derived as follows:

The number who registered in each State in January 1980 is cross-tabulated by year of entry. The figures are adjusted for underregistration. Entries from January 1980 through September 1981 by State are added. The figures are adjusted for estimated net interstate secondary migration. The basis for the adjustment is a comparison of the last three INS alien registrations with the registrations as they would have been if no secondary migration took place; the method is described in detail in ORR's Report to the Congress on the Refugee Resettlement Program of January 31, 1981. Persons who entered before FY 1979 are subtracted from each State's total. Special adjustments are made to allocate some District of Columbia arrivals to Maryland and Virginia, and for the secondary migration of H'mong.

The procedure described above pertains to the estimated Southeast Asian population only. To these figures are added the Cuban refugee arrivals, by State, for FY 1979, FY 1980, and FY 1981, as shown by the ORR-Miami records. The Cuban figures are not adjusted for secondary migration since the majority are known to live in Florida and there are no reports of significant net secondary migration among this group.

The population estimates do not include refugees from the Soviet Union since these refugees are served under the matching-grant program administrered through national voluntary refugee resettlement agencies.

IV. Proposed Allocations

The allocations proposed for FY 1982 are as follows:

REFUGEE SOCIAL SERVICES FORMULA CALCULATION: FISCAL YEAR 1982

State	Population base[1]	Formula calculation[2]
	(1)	(2)
Alabama	1,381	$197,388
Alaska	241	[3]
Arizona	2,691	384,629
Arkansas	1,282	183,238
California	131,169	18,748,174
Colorado	5,643	806,562
Connecticut	3,853	550,715
Delaware	151	21,583
District of Columbia	1,151	164,514
Florida	23,917	3,418,491
Georgia	4,841	691,931
Hawaii	4,183	597,882
Idaho	826	118,061
Illinois	16,149	2,308,200
Indiana	2,287	326,884
Iowa	5,498	785,837
Kansas	4,835	691,074
Kentucky	1,148	164,085
Louisiana	5,548	792,984
Maine	710	101,481
Maryland	3,685	526,702
Massachusetts	8,805	1,258,511
Michigan	6,303	900,897
Minnesota	18,607	2,659,525
Mississippi	774	110,629
Missouri	3,012	430,510
Montana	686	98,051
Nebraska	927	132,497
Nevada	1,425	203,677
New Hampshire	239	34,161
New Jersey	4,226	604,028
New Mexico	2,269	324,311
New York	13,346	1,907,563
North Carolina	3,388	484,252
North Dakota	415	59,317
Ohio	4,711	673,350
Oklahoma	3,855	551,001
Oregon	12,170	1,739,476
Pennsylvania	14,391	2,056,926
Rhode Island	2,638	377,053
South Carolina	1,340	191,528
South Dakota	562	80,327
Tennessee	2,266	323,883
Texas	30,662	4,382,564
Utah	5,911	844,868
Vermont	232	33,160
Virginia	10,123	1,446,895
Washington	19,141	2,735,851
West Virginia	332	47,453
Wisconsin	7,442	1,063,696
Wyoming	305	43,594
Guam	30	4,288
Puerto Rico	104	[3]
Virgin Islands	10	[3]
Total	401,836	57,384,257

[1] Indochinese and Cuban refugees who arrived in U.S. October 1, 1978–September 30, 1981.
[2] At $142.93 per capita. This figure is for calculating purposes only; the FY 1982 budget request was based on anticipated numbers of new arrivals, not on 3-year population estimates.
[3] Not currently participating in refugee program.

V. State Evidence on Refugee Population

If a State feels that ORR's estimate of its eligible population is seriously inaccurate, ORR will consider revising its figure. However, we would expect convincing evidence to be presented. The following is the type of evidence which would be considered appropriate:

- The State's best estimate of its refugee population. Whether this covers entries during the past three years, or all refugees. What refugee groups are included, in what number.
- A description of the specific information collection system that the State has used to generate this estimate, including such information as data sources, time period covered, validation methods, and estimating procedures.
- A description of any special conditions, such as secondary migration, that may account for the discrepancy between the State's figure and ORR's figure.

Any State evidence on population estimates should be submitted separately from comments on the proposed allocation formula and should be addressed to: Dr. Linda Gordon, Office of Refugee Resettlement, 330 C Street, S.W.—Room 1229, Washington, D.C. 20201, Telephone: (202) 472–4130.

Paperwork Reduction Act

This notice does not create any reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance No. 13.814 Refugee Assistance State Administered Programs)

Dated: March 10, 1982.

John A. Svahn,

Commissioner of Social Security.

[FR Doc. 82-7017 Filed 3-16-82; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Closure of Off-Reservation Boarding Schools and Southwestern Indian Polytechnic Institute and the Transfer of BIA Day Schools in Alaska to the State of Alaska; Hearing

March 12, 1982.

In accordance with 25 CFR Part 31a.4(a)(1)(2), notice is hereby given that hearings on the above entitled topic will be held for the purpose of hearing comments from tribal representatives, school boards, parents and other interested parties.

The President's FY 1983 budget proposes to close Wahpeton Indian School in North Dakota; Concho Indian School in Concho, Oklahoma; Southwestern Indian Polytechnic Institute in Albuquerque, New Mexico; and to transfer thirty-seven (37) Bureau-funded day schools in Alaska to the Alaska State School System.

In addition, a boarding school phase-out is being proposed as follows: Intermountain Boarding School in Brigham City, Utah, and Mt. Edgecumbe Boarding School in Sitka, Alaska, at the end of the 1982–83 school year; Sequoyah Indian Boarding School in Tahlequah, Oklahoma, and Flandreau Indian School in South Dakota at the end of the 1983–84 school year; and Phoenix Indian School in Arizona at the end of the 1984–85 school year. Present proposed plans include operating at least three (3) off-reservation boarding schools until such time it is determined that adequate alternatives are available to meet the needs of students presently attending off-reservation boarding schools.

Dates and locations of hearings are as follow:

Anchorage, Alaska, March 30, 1982
Albuquerque, New Mexico, March 30, 1982
Sitka, Alaska, April 1, 1982
Phoenix, Arizona, April 1, 1982
Oklahoma City, Oklahoma, April 6, 1982
Minneapolis, Minnesota, April 13, 1982
Portland, Oregon, April 13, 1982
Billings, Oregon, April 15, 1982
Aberdeen, South Dakota, April 15, 1982

The hearings will begin at 10:00 a.m. (local time) at each site. The following persons should be contacted for the exact location and for additional information.

Alaska: Emil Kowalczyk; 907/586–7192
New Mexico: Juanita Cata; 505/766–3160
Arizona: Peter Soto; 602/241–2320
Oklahoma: Dan Sahmaunt; 405/247–6673, or Carol Allen-Weston; 918/687–246?
Minnesota: Helen Miller; 612/349–3609
Oregon: Van Peters; 503/231–6739
Montana: Verlin Belgarde; 406/657–6375
South Dakota: Harry Eagle Bull; 605/225–0250, Ext. 431
Washington, D.C.: Carmen Taylor; 202/343–4493

Interested persons may present oral testimony or file written statements. All written statements must be received no later than April 16, 1982, in the Office of Indian Education Programs, 18th and C Streets, NW., Washington, D.C., 20240, Attn: Dr. S. Gabe Paxton, Jr., Code 500.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM8.

Ken Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 82-7154 Filed 3-16-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Adoption of Final Grazing Management Policy

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of adoption of final grazing management policy.

SUMMARY: The Bureau of Land Management has adopted its final grazing management policy affecting the administration of livestock grazing on the public lands. The final grazing policy statement was signed by the Director, Bureau of Land Management, on March 5, 1982.

EFFECTIVE DATE: March 5, 1982.

ADDRESS: Copies of the final statement are available upon request from any office of the Bureau of Land Management. Any inquiries or suggestions concerning the final grazing policy statement should be sent to: Director (220), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:
Bob Papworth (202) 653–9193.

SUPPLEMENTARY INFORMATION: A notice of availablity of a proposed Rangeland Management Policy for Livestock Grazing Administration was published in the **Federal Register** on July 16, 1981 (46 FR 36948), for public review and comment with a 60-day comment period. During the comment period, approximately 150 comments were received and given careful consideration. Many of the comments on improving grazing administration on the public lands have been incorporated in the final policy statement.

Dated: March 11, 1982.

Robert F. Burford,

Director.

[FR Doc. 82–7155 Filed 3–12–82; 8:45 am]

BILLING CODE 4310–84–M

[Serial Numbers A 17000–J (Partial), A 17000–K (Partial), A 17000–U (Partial), A 17000–W (Partial)]

Arizona; Classification of Public Lands for State Indemnity Selection

In Federal Register Document 82–2651 appearing on pages 4746 thru 4749 of the issue for February 2, 1982, the following changes should be made for these applications:

Under T. 1 N., R. 23 W., Section 11 should be E½, E½W½, E½NW¼SW¼, SW¼SW¼; Section 28 should be E½NE¼, SE¼SW¼, NW¼SE¼.

Under T. 3 N., R. 21 W., Section 4, add SW¼SE¼.

T. 10 S., R. 15 W. should be T. 10 S., R. 25 W.

Dated: March 8, 1982.

William K. Barker,

District Manager.

[FR Doc. 82–7189 Filed 3–16–82; 8:45 am]

BILLING CODE 4310–84–M

[A–14965]

Arizona; Realty Action—Direct, Non-Competitive Sale; Public Land in Graham County

The following described land has been examined and identified for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Gila and Salt River Meridian

T. 8 S., R. 26 E.,
Section 21: W½W½NE¼NW¼.

The above-described land, comprising 10 acres, is being offered as a direct, non-competitive sale to Mr. Matthew Gibson, owner of the adjoining lands. Purchase will be at fair market value.

In 1964, Mr. Gibson purchased private land which was based on an 1875 cadastral survey. In 1968 a dependent survey was made in this same area. This 1968 survey re-established the boundary of the public land 130 feet west of where it had been believed to be for the preceding 60 years. This new survey resulted in a change in the public land boundary. This boundary now runs through Mr. Gibson's house and cuts off two barns, three wells, and a corral and other improvements made on this private property dating back to 1919.

Disposal by direct sale, rather than public auction, will legalize the use of the land, protect equity investment in the improvements on the land, and eliminate an undue hardship if Mr. Gibson were compelled to remove or otherwise dispose of improvements.

The sale will resolve a complicated trespass situation on public land. The land is not required for any Federal purpose. Disposal would best serve the public interest. The sale is consistent with the Bureau's planning system.

The land will not be offered for sale for at least 60 days after the date of this notice.

Patent, when issued, will contain the following reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

Detailed information concerning the sale is available for review at the Safford District Office, 425 East 4th Street, Safford, Arizona 85546–2092.

For a period of 45 days, interested parties may submit comments to the District Manager at the above address.

Any adverse comments will be avaluated by the District Manager, who may vacate or modify the realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: March 8, 1982.

Lester K. Rosenkrance,

District Manager.

[FR Doc. 82–7190 Filed 3–16–82; 8:45 am]

BILLING CODE 4310–84–M

[OR 5620]

Oregon; Termination of Proposed Withdrawal and Reservation of Lands

Notice of Bureau of Reclamation, U.S. Department of Interior, application OR 5620 for withdrawal and reservation of lands was published as FR Doc. 69–14974 on page 19825 of the issue of December 18, 1969. The purpose of the proposed withdrawal was to protect the existing Warms Springs Reservoir as part of the Vale Reclamation Project, and the following described lands were temporarily segregated from all forms of appropriation under the public land laws, including location and entry under the mining laws (30 U.S.C. Ch. 2):

Willamette Meridian

T. 22 S., R. 36 E.,
Sec. 23, S½SE¼;
Sec. 36, W½NW¼.
T. 23 S., R. 36 E.,
Sec. 1, Lots 3 and 4, SE¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 2, Lots 1 and 2, S½NE¼ and SE¼;
Sec. 11, N½NE¼;
Sec. 12, SE¼NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 13, E½ and E½NW¼.
T. 22 S., R. 37 E.,
Sec. 31, SW¼NE¼ and E½NW¼.
T. 23 S., R. 37 E.,
Sec. 5, NW¼SW¼ and S½SW¼;
Sec. 6, Lot 1, SE¼NE¼, and NE¼SE¼;
Sec. 7, Lots 1, 2, 3, and 4, NE¼SW¼, and N½SE¼;
Sec. 8, NW¼NE¼, N½NW¼, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 18, Lots 1 and 2.

The areas described aggregate 2,903.69 acres in Harney and Malheur Counties, Oregon.

The applicant agency has cancelled the application in its entirety; therefore, pursuant to the regulations contained in 43 CFR 2310.2–1(c) and subject to the provisions of other existing withdrawals, the above described lands will be relieved of the above-mentioned segregative effect at 7:30 a.m., on April 23, 1982.

Dated: March 9, 1982.

Leland D. Morrison,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–7191 Filed 3–16–82; 8:45 am]

BILLED CODE 4310–84–M

Fish and Wildlife Service

United States 1979 Annual Report for the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; correction.

SUMMARY: This document corrects a notice published February 23, 1982 (47 FR 7881), announcing the availability of the 1979 U.S. Annual Report for the Convention on International Trade in Endangered Species of Wild Fauna and Flora. In that notice, the telephone number of the National Technical Information Service (the distributor of the report) was incorrectly stated.

FOR FURTHER INFORMATION CONTACT: Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone, 703/235–2418.

The following correction is made in FR Doc. 82–4795 appearing on page 7881 in the February 23, 1982 issue of the **Federal Register.**

1. On page 7881, in the left column in the Address paragraph, in the fifth and sixth lines, the telephone number "703/235–4650" is corrected to read "703/487–4650".

This notice was prepared by Jeffrey P. Jorgenson, Federal Wildlife Permit Office.

Dated: March 11, 1982.

Arthur Lazarowitz,

Acting Chief, Management Operations Branch, Federal Wildlife Permit Office.

[FR Doc. 82–7109 Filed 3–16–82; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Co., U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Exxon Company, U.S.A., Unit Operator of the Grand Isle Block 16 Federal Unit Agreement No. 14–08–001–2932, submitted on March 2, 1982, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Grand Isle Block 16 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 Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 10, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–7197 Filed 3–16–82; 8:45 am]

BILLING CODE 4310–31–M

National Park Service

Upper Delaware National Scenic and Recreational River; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: March 26, 1982, 7 p.m.

ADDRESS: Arlington Hotel, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159 (717/729–7135).

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95–625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include (1) implementation of section 704 of Pub. L. 95–625, and (2) new business.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National Scenic and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: March 9, 1982.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 82–7174 Filed 3–16–82; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

March 15, 1982.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate

transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Delta Agricultural Co-Op
(2) 12815 South Boulter St., Draper, Utah 84020
(3) 12815 South Boulter St., Draper, Utah 84020
(4) Delta Agricultural Co-Op, 12815 South Boulter St., Draper, Utah 84020

(1) Fjido Colorado Agricultural Association
(2) 2828 W. Weldon, Phoenix AZ 85017
(3) 4033 W. San Juan, Phoenix AZ 85019
(4) David Robinson, P.O. Box 5678, Scottsdale, AZ 85261

(1) Mid-America Farm Lines, Inc.
(2) 420 North Nettleton, Springfield, MO 65802
(3) 420 North Nettleton, Springfield, MO 65802
(4) Gary Hanman, 800 West Tampa, Springfield MO 65805

(1) Nationwide Distributors, Inc. (A cooperative association)
(2) 26 Willis St., P.O. Box 1329, Framingham, MA 01701
(3) 26 Willis St., Framingham, MA 01701
(4) Gene S. Bula, Rt. 1, Plainfield, WI

(1) Red River Valley Potato Express, Inc.
(2) 2202 Gateway Dr., Grand Forks, ND 58201
(3) 2202 Gateway Dr., Grand Forks, ND 58201
(4) Arthur O. Bakken, 2202 Gateway Dr., Grand Forks, ND 58201

(1) Tyco Transport Inc.
(2) P.O. Box 128, Port St. Joe, FL
(3) Rt. 3, Box 177, Wewahitchka, FL 32465
(4) Marion A. Martin, P.O. Box 145, Wewahitchka, FL

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7173 Filed 3-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 99)]

Boston & Maine Corp.; Exemption for Contract Tariff ICC-BM-C-0012

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioners are granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT:
Donald J. Shaw, Jr.
or
Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Boston and Maine Corporation, Robert W. Meserve and Benjamin H. Lacy, Trustees, (BM) filed a petition on March 8, 1982 seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). Petitioners request that we permit contract tariff ICC-BM-C-0012 to become effective on one day's notice. The tariff was filed to become effective on April 8, 1982. The tariff provides for the track storage of paper and paper products in equipment carrying AVL markings.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. Due to the economic downturn, there is excess rail equipment, and the paper industry has excess production. The contract allows the shippers to store their shipments in boxcars until needed at destination. This eliminates the need for making a shipment to a storage warehouse and reshipping when the product is needed. It also perimts utilization of idle boxcars. One shipper has developed a production problem and requires immediate storage. Advancement of the effective date would permit immediate use of the boxcars. We find this to be ihe type of exceptional circumstances which warrants a provisional exemption.

Petitioner's contract tariff ICC-BM-C-0012 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

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

(49 U.S.C. 10505)

Dated: March 11, 1982.

By the Commission, Division 1, Commissioners Clapp, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7170 Filed 3-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-98)]

Southern Pacific Transportation Co., Exemption for Contract Tariff ICC-SP-C-0057

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioners are granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT:
Donald J. Shaw, Jr.
or
Jane F. Mackall, (202) 275-7656

SUPPLEMENTARY INFORMATION: The Southern Pacific Transportation Company, (SP), filed a petition on March 3, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). Petitioners request that we permit contract tariff ICC-SP-C-0057 to become effective on one day's notice. The tariff was filed to become effective on April 3, 1982. The tariff provides for the movement of auto parts, racks and tooling machinery.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The shipper is closing recently re-tooled manufacturing plants due to the economic downturn and its inability to sell a sufficient number of automobiles. The shipper wants the inventory moved to its other plants quickly to avoid the high cost of having duplicate inventory at those plants which are functioning. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

Petitioner's contract tariff ICC–SP–C–0057 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: March 11, 1982.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–7172 Filed 3–16–82; 8:45 am]

BILLING CODE 7035–01–M

Investigation and Suspension; Docket No. M–29788, Charge for Shipments Moving on Order-Notify Bill of Lading NMFTA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of reopening.

SUMMARY: This proceeding is reopened for consideration of the lawfulness of the promulgation of order-notify charges and any other charges as a part of the National Motor Freight Classification Tariff under the grant of antitrust immunity contained in section 5a (now 49 U.S.C. 10706) as amended by the Motor Carrier Act of 1980.

DATES: Comments are due 30 days from publication in the **Federal Register.** Replies are due 30 days thereafter.

ADDRESS: Send an original and, if possible, 15 copies to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall (202) 275–7656.

SUPPLEMENTARY INFORMATION: The National Motor Freight Traffic Association, Inc. (NMFTA), on behalf of its member carriers, had proposed to publish in the National Motor Freight Classification Tariff an accessorial charge of $2 per shipment of 10,000 pounds or less, when shippers require order-notify service (pre-notification for delivery). The proposal was suspended and investigated on May 4, 1978. By decisions in this proceeding served January 9, 1979, and affirmed on September 20 and November 2, 1979, the Commission found that NMFTA had not shown the proposed charge to be cost-justified, and, therefore, had not shown it to be reasonable. The Commission also found order-notify charges beyond the scope of the NMFTA's section 5a Agreement approved in *National Classification Committee-Agreement,* 299 ICC 519 (1956).

On December 16, 1980, the United States Court of Appeals for the District of Columbia Circuit,[1] affirmed the finding that the order-notify charge was not shown reasonable. The court, however, remanded the determination that order-notify charges are beyond the scope of the NMFTA's section 5a agreement, because the Court thought that the Commission did not adequately set forth the factual and policy basis for its decision. (Court Memorandum p. 1). On this point, the Court noted that there was "no discussion by the Commission indicating the extent to which its decision affects similar charges, which already are included within the agreement as approved; nor is there any explanation of the apparent inconsistency between inclusion of some charges and the exclusion of a charge for order-notify shipments." (Court memorandum p. 1).

By decision served February 3, 1981, the Commission reopened this proceeding in compliance with the Court mandate. The NMFTA then requested that the Commission allow it to collect and introduce additional evidence on its authority to consider and collectively establish charges, and on the finding that the $2 order notify charge was not shown reasonable.

By decision served May 14, 1981, 364 ICC 942 (1981), the Commission concluded: (1) that NMFTA should be allowed to introduce its additional evidence; and (2) that the remanded issue regarding the use of NMFTA's section 5a agreement to promulgate charges could be best examined at the same time we consider the new collective ratemaking agreement NMFTA filed pursuant to section 14(e) of the Motor Carrier Act of 1980 and Ex Parte No. 297 (Sub-No. 5), *Motor Carrier Rate Bureau Imp. of PL 96–296,* 364 ICC 464 (1980). The Commission concluded that it would be premature to reexamine the $2 charge before resolution of the more general question of the lawfulness of charges, *per se,* published under NMFTA's 5a agreement.

Subsequently, by order of September 11, 1981, the Court ordered the Commission to discontinue its consideration of the issue on remand in connection with its consideration of NMFTA's new collective ratemaking agreement and instructed the Commission to resume its investigation and suspension proceedings terminated by the May 14, 1981 decision. By order of December 31, 1981, the Court granted the Commission's petition for modification to allow the remanded issues be considered in a consolidated proceeding under the standards of the Motor Carrier Act of 1980. By order of February 2, 1982, the Court vacated its judgement of December 31, 1981, and ordered the Commission to inform the Court when it will reopen the investigations and suspension proceedings remanded by the Court's September 11, 1981, order.

By this decision, we are reopening this proceeding for consideration of the lawfulness of the promulgation of order-notify charges and any other charges as part of the National Motor Freight Classification Tariff under the grant of

[1] *National Classification Committee and National Motor Freight Traffic Association, Inc.* v. *Interstate Commerce Commission and United States of America,* 79–2561 (D.C. Cir. 1980).

antitrust immunity contained in former Section 5a (now 49 U.S.C. 10706) as amended by the Motor Carrier Act of 1980. The lawfulness of order-notify charges cannot be considered in a vacuum; the entire subject of charges *per se* must be addressed. Indeed, the Court itself in its December 16, 1980, remand order stated that there was "no discussion by the Commission indicating the extent to which its decision affects similar charges * * * nor is there any explanation of the apparent inconsistency between inclusion of some charges and the exclusion of a charge for order-notify shipments." We are not, however, reopening the issue of the reasonableness of the order-notify charge. Finally, the remainder of NMFTA's agreement will be considered in our Ex Parte No. 297 (Sub-No. 5) proceeding. Our resolution here of the issues of order-notify or any other charges will be adopted in the Ex Parte No. 297 (Sub-No. 5) proceeding. Accordingly, a copy of this notice will be served on all parties of record in the Ex Parte 297 (Sub-No. 5) proceeding. Any interested party may simultaneously petition for intervention and file their comments.

Comments on the issues in this reopened proceeding are due 30 days from publication of this notice in the **Federal Register**. Replies are due 30 days thereafter. Comments may be viewed at the offices of the Interstate Commerce Commission, Washington, D.C. Cross service will not be required, however parties may file reply comments within 30 days of the comment due date.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

By the Commission, Chairman Taylor, Vice-Chairman Gilliam, Commissioners Gresham, Clapp, and Sterrett.

Dated: March 10, 1982.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1145 Filed 3-16-82; 8:45 am]

BILLING CODE 7035-01-M

Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's rules of practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's suppporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: March 9, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-F-14802, filed February 10, 1982. Donald M. Petroski, an individual, 4 Wenonah Avenue, Oakland, NJ 074336 seeks authority to control the operating rights and properties of CENTRAL TRANSIT LINES, INC. of Rochelle Park, NJ. Central operates as a passenger carrier at various points in New Jersey and in, and around, New York City. Pursuant to authority granted in No. MC-143575 and Subs thereunder. Applicant presently controls Air Brook Limeousine, Inc. a passenger carrier operating under No. MC-139508. Applicant's attorney: Chandler L. Van Orman, 1729 H Street NW, Washington, D.C. 20006. No. application for Temporary Authority was filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7142 Filed 3-16-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decision; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be

construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment not does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Volume No. OP1–42

Decided: March 4, 1982.

MC–F–14801, filed February 9, 1982. HI-WAY DISPATCH, INC. (Hi-Way) (1401 West 26th Street, Marion, IN 46952)—Continuance in Control—UNITED CARTAGE COMPANY, INC. (United) (1001 South Fourth Street, Gas City, IN 46933). Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204–3491, (317) 638–1301. Hi-Way seeks to continue in control of United upon the institution by United of operations, in interstate or foreign commerce, as a motor contract carrier. Thomas M. Marcucilli and James C. Marcucilli, Co-executors of the Estate of Thomas Marcucilli, Counting House Bank-Trustee for the Estate of Ralph Marcucilli, and Frank Bove, the majority stockholders, seek authority to acquire control of said rights and property through the transaction. Hi-Way operates as a motor common carrier pursuant to certificates issued in MC–119654. Condition: Approval and authorization of this transaction is conditioned upon the prior receipt by the Commission of an affidavit signed by Counting House Bank-Trustee for Ralph Marcucilli's Estate and Thomas M. Marcucilli and James C. Marcucilli, Co-executors of Thomas Marcucilli's Estate stating that they are persons in control of applicant and that they join in this application.

Note.—United has filed a directly related application as its initial contract carrier application docketed MC–158640 and published in the **Federal Register** issue of October 26, 1981.

Volume No. OP1–43

Decided: March 11, 1982.

MC–F–14807, filed February 16, 1982. Elmer W. Sims, an Individual (EWS), (610 West 138th Street, Riverdale, IL 60627)—Continuance in control—PILGRIM TRANSPORT, INC., (Pilgrim), (610 West 138th Street, Riverdale, IL 60627). Representative: Carl L. Steiner, 29 South LaSalle Street, Chicago, IL 60603. EWS seeks to continue in control of Pilgrim upon the institution by Pilgrim of operations, in interstate or foreign commerce, as a motor common carrier. EWS also controls Sims Motor Transport Lines, Inc., Docket No. MC–18738 and subs thereunder which authorizes the transportation of general commodities, with exceptions, and specified commodities, over regular and irregular routes, between points in DE, IL, IN, IA, KS, KY, MD, MI, MO, NJ, NY, OH, PA, TN, VA, WV, WI, and DC.

Note.—Directly related applications have been filed which are docketed as MC–160581 and MC–160581 Sub 1, awaiting publication in the **Federal Register**, and MC–106581 Sub 2, published in this same **Federal Register** issue.

[FR Doc. 82–7143 Filed 3–16–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; Permanent Authority Decisions

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly

noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP2–41

Decided: February 24, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

FF–252 (Sub-9), filed February 16, 1982. Applicant: CHI–CAN FREIGHT FORWARDING, LTD., 3600 S. Western Ave., Chicago, IL 60609. Representative: H. Barney Firestone, 10 S. LaSalle, Suite 1600, Chicago, IL 60603; (312) 263–1600. As a *freight forwarder* transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between ports of entry on the international boundary line between the U.S. and Canada, in MN, MT, ND, and MI, on the one hand, and, on the other, points in CT, MD, DE, RI, MA, and NH.

MC 67403 (Sub-14), filed February 8, 1982. Applicant: BROES TRUCKING COMPANY, INC., Interstate Hwy. 295 & Dominick Land, Paulsboro, NJ 08066. Representative: Martin S. Ettin, 499 Cooper Landing Road, Cherry Hill, NJ 08002; (609) 667–6000. Transporting (1) *Commodities* which because of their size or weight require the use of special handling or equipment, (2) *machinery and parts*, (3) *building materials*, and (4) *lumber and wood products*, between Philadelphia, PA, on the one hand, and, on the other, points in NY, NJ, PA, CT, MA, RI, VA, DE, MD and DC.

MC 113822 (Sub-10), filed February 16, 1982. Applicant: DALGARNO TRANSPORTATION, INC., 144 East Commerce St., Aberdeen, MS 39730. Representative: Richard S. Mandelson, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264; (303) 861–4028. Transporting *Mercer commodities, machinery, and those commodities* which because of their size and weight require the use of special handling or equipment, between points in the U.S. (except HI).

MC 119313 (Sub-3), filed February 16, 1982. Applicant: CRESCENT TRUCKING, INC., 120 Bridge St., Mayville, WI 53050. Representative: Edward J. Gerrity, P.O. Box 914, Appleton, WI 54912; 1–414–734–5608. Transporting *chemicals and related products*, between points in Wayne County, MI, on the one hand, and, on the other, points in Dodge County, WI.

MC 124472 (Sub-7), filed February 8, 1982. Applicant: HARDING TRANSPORTATION, INC., 6875 E. Evans Ave., Denver, CO 80222. Representative: Charles J. Kimball, #665 Capital Life Center, 1600 Sherman St., Denver, CO 80203; (303) 839–5856. Transporting *lumber and wood products, building materials, metal and metal products, machinery, rubber and rubber products, and plastic and plastic products*, between points in OR, CA, ID, MT, WY, CO, KS, TX, IA, IL, IN and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145503 (Sub-6), filed February 16, 1982. Applicant: ART ANDERSON TRUCKING, INC., P.O. Box 138, Oakford, IL 62673. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703; (217) 528–8476. Transporting *commodities in bulk*, between points in IN, MI, MO, KY, WI, MN, IL, and IA.

MC 145872 (Sub-9), filed February 8, 1982. Applicant: TREVIS BERRY TRANSPORTATION, 655 Luchessa, P.O. Box 1802, Gilroy, CA 95020. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579; (415) 357–6236. Transporting *fibreboard and pulpboard boxes*, between points in CA and AZ, under continuing contract(s) with Weyerhaeuser Company, of Alameda, CA.

MC 146423 (Sub-17), filed February 16, 1982. Applicant: STEPHEN HROBUCHAK, d.b.a. TRANS-CONTINENTAL REFRIGERATED LINES, Route 502, P.O. Box 1456, Scranton, PA 18501. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505; (717) 342–7595. Transporting *textile mill products, rubber and plastic products, and lumber and wood products*, between points in Orange County, NY and Lehigh County, PA, on the one hand, and, on the other, points in KY, NC, TN, and VA.

MC 160382, filed February 1, 1982. Applicant: LIFE LINE FOOD CARRIER, INC., Rte 4, Box 290, Pikeville, TN 37367. Representative: Gary Burks (same as applicant) (615) 881–3740. Transporting *food and related products, and textile mill products*, between points in TN, NC, SC, GA, FL and AL.

MC 160502, filed February 10, 1982. Applicant: RICHARDS BUS LINES, INC., Rte. 1, Box 230, Rileyville, VA 22650. Representative: Robert S. Janney, P.O. Box 166, Luray, VA 22835; 703–743–6593. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in VA, and extending to points in the U.S. (except AK and HI).

Volume No. OP2–43

Decided: March 2, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 129712 (Sub-70), filed February 24, 1982. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326; (404) 237–6472. Transporting *such commodities* as are dealt in or used by manufacturers, distributors and dealers of (1) agricultural, construction, forestry, industrial and irrigation equipment, (2) lawn and leisure products, and (3) equipment used in the manintenance, feeding and housing of hogs, livestock and poultry (except commodities in bulk), between points in the U.S., (except AK and HI), under continuing contract(s) with AVCO New Idea Farm Equipment Division, The Paul Revere Corporation, of Coldwater, OH.

MC 130332 (Sub-2), filed February 19, 1982. Applicant: TRAVEL-TOURS, INC., Rt. 4, SH 51 West, Wagoner, OK 74467. Representative: George F. Saunders, 3333 Northwest 63rd St. Suite 210, Oklahoma City, OK 73116; 405–848–1300. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round-trip tours, beginning and ending at points in OK, and points in Greene County, MO and Sebastian County, AR, and extending to points in the U.S. (including AK but excluding HI).

MC 136123 (Sub-37), filed February 16, 1982. Applicant: MD TRANSPORT SYSTEMS, INC., 2103 17th St. East, P.O. Box 1058, Palmetto, FL 33561. Representative: Raymond P. Keigher, 401 E. Jefferson St. Suite 102, Rockville,

MD 20850; 301–424–2420. Transporting (1) *such commodities* as are dealt in or used by grocery and food business houses, and (2) *containers*, between those points in the U.S., in and east of ND, SD, NE, CO, OK, and TX.

MC 145742 (Sub-11), filed February 23, 1982. Applicant: BOLES TRUCKING, INC., R.R. #1, Ina, IL 62846. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701; 217–544–5468. Transporting *iron and steel articles*, between those points in the U.S., and east of ND, SD, NE, KS, OK, and TX.

MC 145842 (Sub-26), filed February 23, 1982. Applicant: SUNDERMAN TRANSFER INC., P.O. Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001; (319) 557–1320. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, PA, SD, TN, TX and WI.

MC 160602, filed February 16, 1982. Applicant: SILVER STATE EXPRESS, INC., P.O. Box 11361, Reno, NV 89510. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603; 312–263–2306. Transporting *printed matter, Pulp, paper, and related products*, and *such commodities* as are dealt in or used by food business houses, between points in Stanislaus County, CA and Waukesha County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP2–44

Decided: March 4, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 141573 (Sub-2), filed February 24, 1982. Applicant: EXPEDITIONS AMERICAS, LTD., 718 S. Plymouth Court, Chicago, IL 60605. Representative: Robert M. Hausman, 1747 Pennsylvania Ave. NW., Suite 300, Washington, D.C. 20006; 202–785–9773. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations, beginning and ending at New Orleans, LA, and extending to points in MS, TN, NC, GA, and AL.

MC 147333 (Sub-2), filed February 17, 1982. Applicant: McGEE TRUCKING COMPANY, INC., P.O. Box 297, Bostic, NC 28018. Representative: Judy Baldwin McGee (same address as applicant); 704–245–6353. Transporting *floor coverings*, between points in the U.S., (except AK and HI), under continuing contract(s) with Bigelow-Sanford, Inc., of Greenville, SC.

MC 154882, filed February 17, 1982. Applicant: WESTERN BOTTLING CO., INC., E. 4014 Sprague Ave., Spokane, WA 99202. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055–3273; 206–235–1111. Transporting *non-alcoholic beverages*, between points in AZ, CA, ID, MT, NV, OR, UT, and WA.

Volume No. OP4–90

Decided: March 11, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 128726 (Sub-1), filed February 24, 1982. Applicant: KONRAD STECK, 1015 Pulaski Hwy., Joppa, MD 21085. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030; (703) 691–0900. To engage in operations, in interstate or foreign commerce, as a *broker*, at Joppa, MD, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special or charter operations, beginning and ending at points in Harford County, MD, and extending to points in the U.S. (except HI).

MC 149546 (Sub-31), filed February 25, 1982. Applicant: D&T TRUCKING CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440; (612) 542–1121. Transporting *food and related products*, between points in Wayne, Yates, Ontario and Cayuga Counties, NY, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 157566, filed February 16, 1982. Applicant: FAR WEST MARKETING, INC. d.b.a. CHEROKEE SALES COMPANY, P.O. Box 521, Muskogee, OK 74401. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702; (501) 521–8121. Transporting (1) *beer*, between points in Los Angeles County, CA; Dougherty County, GA; Oswego County, NY; Rockingham County, NC; Shelby County, TN; Tarrant County, TX; and Milwaukee County, WI, on the one hand, and, on the other, points in Muskogee County, OK, and (2) *food and related products*, between points in Adair, Cherokee and Muskogee Counties, OK, and Cameron, Hidalgo and Willacy Counties, TX, on the one hand, and, on the other, points in AR, AZ, CA, CO, IA, IL, IN, KY, MI, MN, MO, NC, NE, NM, OH, OK, OR, PA, SC, TN, TX, VA, WA, and WY.

MC 141747 (Sub-10), filed February 25, 1982. Applicant: ENGLE BROTHERS TRUCKING, INC., R.R. #1, Rector, AR 72461. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702. Transporting (1) *wooden furniture and wood products*, (2) *tires and appliances*, and (3) *chemicals and related products*, between points in AL, AR, FL, GA, IA, IL, IN, KS, KY, LA, MO, MS, NC, NE, OK, SC, TN, and TX.

MC 150777 (Sub-2), filed February 22, 1982. Applicant: AMERICAN CONTRACT CARRIER, INC., 14769 San Bernardino Ave., Fontana, CA 92335. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton CA 92633; (714) 738–3889 Transporting *such commodities* as are dealt in by distributors and wholesalers of health foods, between points in CA, on the one hand, and, on the other, points in TN.

MC 160677, filed February 22, 1982. Applicant: DELAWARE CONTAINER CO., INC., West 11th Ave. and Valley Rd., Coatesville, PA 19320. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107; (215) 735–3090. Transporting *waste materials*, between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 160687, filed Feburary 22, 1982. Applicant: L. R.–LANDEN RAY DANIELS TRANSPORTATION CO., INC., 5180 13th St., Ashland, KY 41101. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602; (502) 223–8244. Transporting *scrap metal*, between points in Boyd County, KY, on the one hand, and, on the other, points in OH and WV.

MC 160707, filed February 23, 1982. Applicant: MORTENSON TRUCKING, 3294 Midway Ave., Grants Pass, OR 97526. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., N.W., Washington, DC 20036, (202) 785–0048. Transporting (1) *iron and steel articles*, (2) *metal products*, (3) *lumber*, (4) *building materials*, and (5) *commodities which by reason of size or weight require the use of special equipment*, between points in CA, AZ, TX, OK, CO, NE, NM, UT, WA, ID, MT, IA, IL, WY, OK, NC, and OH.

MC 160717, filed February 23, 1982. Applicant: ROBERT BUXRUDE d.b.a. UNITED TRUCK SYSTEMS, 3634 W. Lincoln Ave., Milwaukee, WI 53215. Representative: Norman J. Fons, 5454 S. 76th St., Greendale, WI 53129; (414) 421–8800. Transporting *wrecked or disabled vehicles*, between points in Milwaukee County, WI, and points in MI, IN, IL, IA, and MN.

MC 160757, filed February 25, 1982. Applicant: CENTURY TOURS, INC., 306 Stiles Court, Pompton Lakes, NJ 07442. Representative: Robert B. Pepper, 168

Woodbridge Ave., Highland Park, NJ 08904. Transporting *passengers and their baggage,* in round-trip charter operations, beginning and ending at points in Bergen, Essex, Hudson, Morris, Passaic, Somerset, Sussex, and Warren Counties, NJ, and extending to points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7143 Filed 3-16-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29833 (Sub-No. 1)]

The Baltimore and Ohio Railroad Co.; Lease and Trackage Rights—Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Between Blue Island and Henry, IL

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of the Baltimore and Ohio Railroad Company to lease a line of railroad owned by the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island) between Henry and Joliet, IL and to acquire trackage rights over Rock Island's line between Joliet and Blue Island, IL.

DATES: Verified statements supporting or opposing the application must be received at the Commission by April 5, 1982.

ADDRESS: An original and 10 copies of all statements should refer to Finance Docket No. 29833 (Sub-No. 1) and should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423, Attention: Rock Island Lease and Trackage Rights.

FOR FURTHER INFORMATION CONTACT: Karen Osterloh, (202) 275-7483.

SUPPLEMENTARY INFORMATION: The Baltimore and Ohio Railroad Company (B&O) filed an application on March 3, 1982 under section 17(b) of the Milwaukee Railroad Restructuring Act, 45 U.S.C. 915(b) as amended by section 111(b) of the Rock Island Transition and Employee Assistance Act, 45 U.S.C. 1009 for authority to lease and obtain trackage rights over lines of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island) located between Blue Island and Henry, IL. The application will be handled under the rules adopted in Ex Parte No. 282 (Sub-No. 4) *Acquisition Procedures for Lines of Railroads,* 360 I.C.C. 632 (1980), 49 CFR 1111.20, et seq. On February 18, 1982, the Commission determined that B&O's proposed lease and trackage rights are minor transactions under 49 CFR 1111.20(b) and 1111.26(c).[1]

The line to be leased lies between Henry and Joliet, IL, a distance of approximately 89 miles. The trackage rights will be between Joliet and Blue Island, IL, a distance of approximately 23 miles.

B&O is presently operating over the Rock Island lines under Service Order No. 1473. The lease and trackage rights agreement was signed by Rock Island and B&O on December 3, 1981. A supplementary agreement was executed on February 25, 1982.

We have received this application and find that it contains the information required by our regulations.

A copy of comments should be served upon the Attorney General of the United States and the United States Secretary of Transportation, and applicant's representative Peter J. Shudtz, P.O. Box 6419, Cleveland, OH 44101. By order of the United States District Court, Northern District of Illinois, Eastern Division, the Commission will issue a final decision on this application by May 4, 1982.

It is ordered: 1. The application in Finance Docket No. 29833 (Sub-No. 1) is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on March 12, 1982.

Dated: March 11, 1982.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-7146 Filed 3-16-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-103]

Certain Stabilized Hull Units and Components Thereof and Sonar Units Utilizing Said Stabilized Hull Units; Hearing on the Presiding Officer's Recommendation and on Relief, Bonding, and the Public Interest, and the Schedule for Filing Written Submissions

AGENCY: International Trade Commission.

ACTION: The scheduling of a public hearing and written submissions in investigation No. 337-TA-103, Certain Stabilized Hull Units and Components Thereof and Sonar Units Utilizing Said Stabilized Hull Units.

Notice is hereby given that the presiding officer has issued a recommended determination that there is no violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the unauthorized importation into the United States and sale of certain stabilized hull units that are the subject of the Commission's investigation. Accordingly, the recommended determination and the record of the hearing have been certified to the Commission for review and a Commission determination. Interested persons may obtain copies of the nonconfidential version of the presiding officer's recommendation (and all other public documents on the record of the investigation) by contacting the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202-523-0161.

Commission hearing: The Commission will hold a public hearing on April 28, 1982, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m. The hearing will be divided into two parts. First, the Commission will hear oral arguments on the presiding officer's recommended determination that no violation of section 337 of the Tariff Act of 1930 exists. Second, the Commission will hear presentations concerning appropriate relief, the effect that such relief would have upon the public interest, and the proper amount of the bond during the Presidential review period in the event that the Commission determines that there is a violation of section 337 and that relief should be granted. These matters will be heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden of this hearing upon the parties.

Oral arguments: Any party to the Commission's investigation or any interested Government agency may present an oral argument concerning the presiding officer's recommended determination. That portion of a party's or an agency's total time allocated to oral argument may be used in any way the party or agency making argument sees fit, i.e., a portion of the time may be reserved for rebuttal or devoted to summation. The oral arguments will be held in the following order: complainant, respondents, Government agencies, and

---

[1] See Finance Docket No. 29833, *Baltimore and Ohio Railroad Company-Lease and Trackage Rights-Over the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) between Blue Island and Henry, IL* (not printed) decided February 18, 1982.

the Commission investigative attorney. Any rebuttals will be held in this order: respondents, complainant, Government agencies, and the Commission investigative attorney. Persons making oral argument are reminded that such argument must be based upon the evidentiary record certified to the Commission by the presiding officer.

Oral presentations on relief, bonding, and the public interest: Following the oral arguments on the presiding officer's recommendation, parties to the investigation, Government agencies, public-interest groups, and interested members of the public may make oral presentations on the issues of relief, bonding, and the public interest. This portion of the hearing is quasi-legislative in nature; presentations need not be confined to the evidentiary record certified to the Commission by the presiding officer, and may include the testimony of witnesses. Oral presentations on relief, bonding, and the public interest will be heard in the same order as oral arguments on the recommended determination, with the addition of arguments by any public witnesses.

If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) an order which could result in one or more respondents being required to cease and desist from engaging in unfair methods of competition or unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in hearing presentations which address the form of relief, if any, which should be ordered.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in hearing presentations concerning the amount of the bond, if any, which should be imposed.

Time limit for oral argument and oral presentation: Parties and Government agencies will be limited to a total of 30 minutes (exclusive of time consumed by questions from the Commission or its advisory staff) for making both oral argument on violation and oral presentations on remedy, bonding, and the public interest. Persons making only oral presentations on remedy, bonding, and the public interest will be limited to 10 minutes (exclusive of time consumed by questions from the Commission and its advisory staff). The Commission may in its discretion expand the aforementioned time limits upon receipt of a timely request to do so.

Written submissions: In order to give greater focus to the hearing, the parties to the investigation and interested Government agencies are encouraged to file briefs on the issues of violation (to the extent they have not already briefed that issue in their written exceptions to the presiding officer's recommended determination), remedy, bonding, and the public interest. The complainant and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or proposed cease and desist orders for the Commission's consideration. Persons other than the parties and Government agencies may file written submissions addressing the issues of remedy, bonding, and the public interest. Written submissions on the question of violation must be filed not later than the close of business on April 7, 1982; written submissions on the questions of remedy, bonding, and public interest must be filed not later than the close of business on April 16, 1982. During the course of the hearing, the parties may be asked to file posthearing briefs.

Notice of appearance: Written requests to appear at the Commission hearing must be filed with the Office of the Secretary by April 21, 1982.

Additional information: The original and 14 true copies of all briefs on violation must be filed with the Office of the Secretary not later than April 7, 1982; the original copy and 14 true copies of all briefs on remedy, bonding, and public interest must be filed with the Office of the Secretary not later than April 16, 1982. Any person desiring to discuss confidential information, or to submit a document (or a portion thereof) to the Commission in confidence, must request in camera treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents or arguments containing confidential information approved by the Commission for in camera treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the **Federal Register** of June 10, 1981, 46 FR 30737.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0359.

By order of the Commission.

Issued: March 12, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–7203 Filed 3–16–82; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–107]

Certain Ultrafiltration Membrane Systems and Components Thereof, Including Ultrafiltration Membranes; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Termination of investigation.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain ultrafiltration membrane systems and components thereof, including ultrafiltration membranes. The complainants, Amicon Corporation, Romicon, Inc., and Comex, Inc., moved to terminate this investigation on the basis of their concession that there is not violation of section 337. Without making a determination on the question of violation of section 337, the Commission granted the motion and terminated the investigation.

Copies of the Commission's Action and Order, and all other nonconfidential documents filed in connection with this investigation are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT:
Scott Daniels, Esq., Office of the General Counsel, telephone 202–523–0074.

By order of the Commission.

Issued: March 11, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–7204 Filed 3–16–82; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 78–12]

Argon Research Corp.; Withdrawal of Applications, Termination of Proceedings

In April and June 1978, Argon Research Corporation ("Argon") applied to the Drug Enforcement Administration ("DEA") to be registered as an importer of certain narcotic raw materials and as a bulk manufacturer of certain Schedule II narcotic controlled substances. Notices concerning Argon's applications were published in the **Federal Register**, Volume 43, pages 22461 and 27909, on May 25 and June 27, 1978, respectively.

A number of other manufacturers filed objections to Argon's being registered. DEA was asked to convene a hearing on the issues raised by Argon's applications and the objections filed thereon. Accordingly, this matter was placed before Administrative Law Judge Francis L. Young and, pursuant to notice, a preliminary prehearing conference was held in Washington, D.C., on August 29, 1978.

The matter of Argon's applications presented a number of legal issues which were new and unusual. After the required DEA review of Argon's applications and after lengthy and complex prehearing proceedings had been completed, the formal evidentiary hearing was scheduled to begin on May 14, 1980. The hearing was cancelled, however, when Argon submitted new and additional information relating to its application and requested that this new information be considered as part of Argon's registration package. Subsequently, on June 18, 1980, Argon requested that DEA indefinitely suspend its review of Argon's registration materials.

On December 16, 1981, counsel for Argon notified DEA that Argon wished to withdraw its pending applications for registration. The Acting Administrator hereby acknowledges the withdrawal of Argon's applications. Such withdrawal is accepted without prejudice should Argon decide to file new applications for registration at some future date.

By Order dated February 24, 1982, the Administrative Law Judge terminated all proceedings now pending before him under DEA Docket No. 78–12. Accordingly, all proceedings arising out of the applications of Argon Research Corporation, and the requests for hearing filed thereon, are hereby terminated.

Dated: March 10, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82–7134 Filed 3–16–82; 8:45 am]

BILLING CODE 4410–09–M

Office of Juvenile Justice and Delinquency Prevention

National Institute for Juvenile Justice and Delinquency Prevention Research Program on Serious and Violent Juvenile Crime; Request for Public Comment

AGENCY: Office of Juvenile Justice and Delinquency Prevention (OJJDP), Justice.

ACTION: Request for Public Comment on the Serious and Violent Juvenile Offender Research Plan.

SUMMARY: The National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) of the Office of Juvenile Justice and Delinquency Prevention, is requesting comments on its program of research on serious and violent juvenile crime. Specifically, comments are invited on (1) the overall scope and comprehensiveness of the research program; and (2) the contributions the proposed new projects might be expected to make to the prevention and control of serious and violent juvenile crime.

The program addresses five major areas: (1) Extent of Juvenile Involvment in Serious and Violent Crime; (2) Factors Related to Juvenile Involvement in Serious and Violent Crime and Delinquent Career Patterns; (3) Prevention of Serious and Violent Juvenile Crime; (4) Juvenile Justice System; and (5) Alternatives to the Juvenile Justice System. The program description includes a brief summary of each area followed by summaries of studies funded in previous years which will be continued, and new projects to be considered for funding in FY 1982. Written comments must be submitted to the National Institute for Juvenile Justice and Delinquency Prevention by May 17, 1982. This input will be used in developing the final FY 1982 research plan for serious and violent juvenile crime.

FOR FURTHER INFORMATION CONTACT:
Ms. Pamela Swain, Serious and Violent Research, Program Manager, National Institute for Juvenile Justice and Delinquency, Prevention/Office of Juvenile Justice and Delinquency, Prevention, 633 Indiana Avenue NW., Room 700, Washington, D.C. 20531, Phone: (202) 724–7560.

SUPPLEMENTARY INFORMATION:

Introduction

The Juvenile Justice and Delinquency Prevention (JJDP) Act was amended in 1980 to provide for increased attention to the problem of serious and violent juvenile crime. The National Institute for Juvenile Justice and Delinquency Prevention research program on serious and violent crime is designed to address the provisions of the JJDP Act and the recommendations of the Attorney General's Task Force on Violent Crime. Serious and violent crimes include criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence and arson punishable as a felony (Section 103(14) of the JJDP Act). The goal of the program is to develop sound information to guide Federal, state and local policymaking and practitioners in allocating limited resources to prevent and control serious and violent juvenile crime.

Program

The NIJJDP FY 1982 workplan for research on serious and violent juvenile crime is designed to build upon the information base which has been developed over the past six years.

The major objectives of the research program are:

(1) To improve our understanding of the causes of serious and violent juvenile crime, and of serious and violent career patterns, and to improve our capability to predict serious and violent criminal behavior.

(2) To monitor trends in juvenile involvement in serious and violent crime.

(3) To improve our understanding of the determinants of police, prosecutor, court and correctional policy and practices for reducing serious and violent juvenile crime, and of the effects of these policies and practices.

(4) To determine the effectiveness of juvenile justice system and alternative programs in reducing serious and violent juvenile crime.

(5) To determine the effectiveness of programs designed to prevent serious and violent juvenile crime.

To achieve these objectives, the program is focused on specific topic areas: Extent and Nature of Juvenile Involvement in Serious and Violent Crime, Factors Related to Involvement in Serious and Violent Crime and Delinquent Career Patterns, Prevention of Serious and Violent Crime, Juvenile Justice System, and Alternatives to the Juvenile Justice System.

A. Extent and Nature of Juvenile Involvement in Serious and Violent Crime

Projects in this area are designed to monitor national trends in the volume, distribution and patterns of serious and violent juvenile crime. The major sources of national data are the Uniform Crime Reports (arrests), National Crime Survey (victimizations) and self-report surveys.[1] Although each type of national data has its limitations, together the major data sets provide the most accurate picture available of serious and violent youth crime in this country. The following projects will likely be continued in FY 1982:

(1) Analysis of the National Crime Victimization Survey (NCS) Data to Study Serious Delinquent Behavior.

The NIJJDP supported analyses of the NCS data for 1973 to 1977 focused on trends and characteristics of serious and violent juvenile crime ("Analysis of National Crime Victimization Survey Data to Study Serious Delinquent Behavior"—five monographs, Hindelang et al., 1981). This project consists of updating selected analyses of the victimization data for the years 1977–1980. Changes in the rates, seriousness and types of juveniles and victims involved in the personal crimes of rape, robbery, assult and personal larceny will be analyzed.

(2) Analyses of the UCR 1980–81 Arrest Data.

The analyses of national arrest data focuses on the amount of serious and violent crime attributable to juveniles, juvenile involvement in different types of crimes, and changes in their involvement from year to year. These analyses will be conducted by the NIJJDP Assessment Center on the Juvenile Justice System.

[1] The NIJJDP has jointly funded nationwide self-report surveys of delinquency and drug use with NIMH since 1977. It is our understanding that the Center anticipates providing funds to continue this survey.

B. Factors Related to Juvenile Involvement in Serious and Violent Crime and Delinquent Career Patterns

Studies in this area focus on identifying the correlates and causes of the onset, duration, and intensity of serious and violent delinquency among youth. They are aimed at identifying characteristics of the chronic juvenile offender and improving our ability to predict future involvement in serious and violent crime. Projects likely to be continued in FY 1982 include:

(1) Delinquency In a Birth Cohort—II

This is a replication of the landmark 1945 Philadelphia birth cohort study ("Delinquency in a Birth Cohort," Wolfgang, et al., 1972) based on a 1958 birth cohort of 29,000 males and females. Factors which influence the initiation, continuation or cessation of juvenile involvement in crime are being investigated.

(2) Study of the Relationship of Juvenile Delinquent Careers to Adult Criminal Careers.

This project is based on three birth cohorts in Racine, Wisconsin ("Assessing the Relationship of Adult Criminal Careers to Juvenile Careers," Shannon, 1980). This phase consists of a more intensive analysis of serious offenders whose criminal careers developed in neighborhoods with high rates of crime and delinquency.

New Project

(1) Community-level study of the Development and Maintenance of Chronic Serious and Violent Juvenile Criminal Careers.

The major purposes of this project will be to expand knowledge of the causes of chronic, serious and violent juvenile crime, and to improve our ability to predict involvement in serious and violent crime. A growing tradition of research has identified the community as an important factor in the development of delinquent careers (Shaw and McKay, 1942; Miller, 1957; Cloward and Ohlin, 1960; Puntil and Schwartz, 1978; Weis and Sederstrom 1981). This study (or studies) will include an intensive study of community characteristics related to serious and violent juvenile crime. In addition, it will be designed to maximize comparability with previous longitudinal studies of the development of delinquent careers.

C. Prevention of Serious and Violent Juvenile Crime

Prevention is generally regarded as the most efficient and effective method for dealing with serious and violent youth crime. Responsibility for preventing juveniles from becoming involved in serious and violent crime rests with the family, school, peers and the community. Studies in this area are aimed at developing more effective community-based strategies and improving the response of the basic socializing institutions to youth. The following projects will likely be continued in FY 1982:

(1) Prevention Research and Development Program.

This program is designed to test, using experimental techniques, a comprehensive program model for preventing all types of delinquency ("Preventing Delinquency," Weis and Hawkins, 1979). The major objective is to improve the socialization role performed by the family, school, peers and the community. The model is based on a four year analysis of previous research, theoretical work and a national survey of prevention programs.

(2) Violent Offender R&D Program Part II—The Prevention of Violent Juvenile Crime.

A neighborhood-based program for preventing and controlling violent crime by youth is being developed and will be evaluated. It is designed to identify effective methods for organizing residents to increase their capability to prevent violent crime by youth in their neighborhoods. Specific intervention strategies will be implemented by neighborhood groups and evaluated.

(D) Juvenile Justice System

Studies in this area are designed to identify the effects of legal, organizational, community and client characteristics on justice system processing of the serious and violent juvenile offender. The relationships between juvenile court contacts and later criminal court involvement are being studied nationwide and in selected jurisdictions. In addition, the effects of alternative policies and practices for handling these offenders are assessed, and techniques for ensuring swift processing and appropriate dispositions are developed and evaluated. One project will likely be continued in FY 1982:

(1) Comparison of Juvenile and Criminal Court Processing and Dispositions for Serious and Violent Juvenile Offenders.

This study represents phase two of research on the transfer of juveniles to criminal court. The first phase consisted of a nationwide survey to assess the number of youths affected, to identify the various transfer mechanisms and to assess the legal history of the use of transfer in this country ("Youth In Adult Courts," Hamparian, et al.). The second

phase will involve an examination of the prevalent assumption that youth tried in adult courts received longer, more severe sentences than if they are tried in juvenile courts.

New Projects

(1) Analysis of Los Angeles County Justice System Data.

Based in part on NIJJDP support, the University of Southern California has accumulated an unprecedented data set of juvenile and criminal justice system records which can be used to identify the correlates of persisting criminality. The first phase will be based on the records of all serious juvenile offenders (2,600 cases) petitioned to juvenile court for an eighteen month period centering on the 1950 census date. The analyses will focus on continuities between juvenile and adult criminal careers over a thirty year period (1950–1980).

(2) Analysis of National Juvenile Court Case Data.

This project will be designed to analyze justice system processing of serious and violent juvenile offenders nationwide. Detailed court histories, based on case files from 1975–1980 of juveniles charged with serious offenses, will be developed and analyzed. Patterns of offenses and sanctions will be studied to determine the effects of justice system intervention, e.g., continuation or cessation of delinquent or criminal careers.

(3) Study of the Impact of Juvenile Court Interventions.

The major question to be addressed is: What levels of court intervention are most effective in reducing delinquent behavior, and for what types of youth? The design will provide for a rigorous experimental test of the effects of varying levels of probation supervision and services. Also, comparison samples of institutional placements and fine or restitution orders will be studied. A cost analysis of the various levels of intervention will be performed.

E. Alternatives to the Traditional Juvenile Justice System.

Projects in this area are designed to develop information on two levels: (1) Effective composition and organization of state and local juvenile correctional systems for handling serious and violent juvenile offenders; and (2) identification of effective program approaches which both help to ensure public safety and to more effectively rehabilitate the serious and violent juvenile offender. Projects likely to be continued in FY '82 include:

(1) National Evaluation of Juvenile Restitution Projects.

The national evaluation of this major OJJDP discretionary initiative will likely be supplemented to support the preparation of final reports on the relationships between program characteristics and performance measures, and to complete the data collection and analyses in the six experimental sites. Information on the effects of restitution on offender recidivism and victim satisfaction will likely be developed.

(2) Study of the Secure Care System in Massachusetts.

This research will be supplemented to complete a study of the critical linkages between secure care and community-based programs for juvenile offenders. It is also aimed at identifying approaches for increasing community capability to reintegrate juvenile offenders by enhancing legitimate opportunities for youth. The result of this research are being applied in designing and testing the R&D program described below.

(3) Violent Offender Research and Development Program—Part I.

This R&D program is designed to test the effectiveness of a correctional system of graduated sanctions, including a range of community reintegration services, organized by a continuous case management system. ("Violent Juvenile Offender Program," April, 1981). The target population for this program is juveniles who have been adjudicated or convicted of at least two violent offenses, or those who have been convicted once of homicide.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 82-7198 Filed 3-16-82; 8:45 am]

BILLING CODE 4410-18-M

METRIC BOARD

Standard Reference Tables for Metric Conversion of Transportation Tariffs—First Draft Available for Review and Comment

AGENCY: Metric Board.

ACTION: Notice.

SUMMARY: The United States Metric Board (USMB) was established by the Metric Conversion Act of 1975 (Pub. L. 94–168) to coordinate the voluntary increasing use of the metric system. Section 6(3) of the Act directs the USMB to "publicize, in an appropriate manner, proposed programs and provide an opportunity for interested groups of individuals to submit comments on such programs." This notice is to publicize such a program.

BACKGROUND: The Transportation Tariff Metrication Task Group of the American National Metric Council (ANMC), a private nonprofit private sector metric planning organization, has developed a first draft of Standard Reference Tables for Metric Conversion of Transportation Tariffs. Its purpose is to assist the U.S. transportation industry establish capability to receive, ship and deliver goods in metric units, and to facilitate agreement by all sectors of the industry as to the use of consistent conversion factors. The USMB, which assisted in its development, urges all affected parties to review and comment on the draft.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Gulak, ANMC, 5410 Grosvenor Lane, Bethesda, MD 20814, (301) 530–8333.

Theodore S. Farfaglia,

Executive Director.

[FR Doc. 82-7199 Filed 3-16-82; 8:45 am]

BILLING CODE 8260-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Performance Review Board; Appointments

AGENCY: National Credit Union Administration.

ACTION: Notice of Appointments to Performance Review Board.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board (PRB).

DATES: Effective March 4, 1982.

FOR FURTHER INFORMATION CONTACT: Dorothy W. Foster, Director, Division of Personnel, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456, Telephone (202) 357–1156.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of Title 5, U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards. The Board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with recommendations to the appointing authority relative to the performance of the senior executive. The National Credit Union Administration has made new appointments.

The members of the Performance Review Board are:

1. Charles Filson, Director, Office of Programs
2. Barry Jolette, Regional Director, Region VI
3. Stephen Raver, Regional Director, Region III

4. Earl Bradley, Acting Director, Region IV (alternate)

Dated: March 8, 1982.

E. F. Callahan,

Chairman, National Credit Union Administration.

[FR Doc. 82-7200 Filed 3-16-82; 8:45 am]

BILLING CODE 7535-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Design Arts Panel (Challenge) to the National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Panel (Challenge) to the National Council on the Arts to be held on April 5-6, 1982, from 9:00 a.m.-5:30 p.m. in room 1426 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

March 11, 1982.

[FR Doc. 82-7201 Filed 3-16-82; 8:45 am]

BILLING CODE 7537-01-M

Expansion Arts Panel (Organizations) to the National Council on the Arts; Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Panel (Organizations) to the National Council on the Arts will be held on April 5-7, 1982, from 9:00 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on April 5, from 9:00 a.m.-12 noon to discuss policy.

The remaining sessions of this meeting on April 5, 1982, from 12 noon-5:30 p.m. and on April 6 and 7, from 9:00 a.m.-5:30 p.m.

Are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

March 11, 1982.

[FR Doc. 82-7202 Filed 3-16-82; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2 (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications by adopting surveillance frequency notations used in Standard Technical Specifications for instrument channels.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 26, 1982, (2) Amendment No. 65 to License No. DPR-23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. 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 11th day of March, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-7177 Filed 3-16-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409]

Dairyland Power Cooperative; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Provisional Operating License No. DPR-45, issued to Dairyland Power Cooperative (the licensee), which revised the Technical Specifications for operation of the La Crosse Boiling Water Reactor (LACBWR) located in Vernon County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment modifies the provisions of the Technical Specifications to reflect changes in the allowable maximum average exposure of a fuel assembly not on the periphery of the core for Cycle 7.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the

Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 23, 1982, and its supplement dated March 4, 1982, (2) Amendment No. 28 to License No. DPR–45 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601. 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 11th day of March, 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82–7178 Filed 3–16–82; 8:45 am]

BILLING CODE 7590–01–M

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 15–A, Rev. 2]

Redelegation of Administrative and Financial Activities

Due to internal organizational changes within SBA, Delegation of Authority No. 15–A, Revision 1, (42 FR 63840), as amended, (43 FR 17435; 44 FR 64146) is hereby revised to redelegate authority to the specific positions as indicated herein:

I. Pursuant to the authority delegated by the Administrator to the Assistant Administrator for Administration in Delegation of Authority No. 15, Revision 2, (47 FR 5392), the following authority is hereby redelegated to the specific positions as indicated herein. Delegation of Authority No. 15–A reads as follows:

A. Administrative Services

1. *Director, Office of Administrative Services.*

a. To issue work authorization and telephone orders.

b. To originate and certify commercial bills of lading for payment of transportation charges in accordance with FPMR 101–41.304.2.

c. To issue Government bills of lading.

2. *Chief, Space Management Branch.* To issue work authorizations and telephone orders.

3. *Chief, Supply Section, Office of Administrative Services.*

a. To originate and certify commercial bills of lading for payment of transportation charges in accordance with FPMR 101–41.304.2.

b. To issue Government bills of lading.

B. Procurement Services

1. *Director, Office of External Awards.*

a. To contract for supplies and services for the Agency pursuant to Chapter 4 of Title 41, United States Code, subject to the limitations contained in Section 257 (a) and (b) of that chapter.

b. To contract for printing services for the Agency pursuant to Chapter 4 of Title 41, U.S.C., as amended, subject to the limitations contained in Section 257 (a) and (b) of that chapter and pursuant to Title 44, U.S.C.

c. To execute grants or cooperative agreements authorized by Federal Statute, except Section 7(j) of the Small Business Act, subject to the limitations contained in Pub. L. 95–224, OMB Circular A–110 and OMB Circular A–102.

d. To originate and certify commercial bills of lading for payment of transportation charges in accordance with FPMR 101–41.304.2.

e. To issue Government bills of lading.

f. Monetary limitation: Unlimited.

2. *Contracting Officer, Office of External Awards.* (Contracting Officers are appointed by the Assistant Administrator for Administration using Certificates of Appointment.)

a. To contract for supplies and services for the Agency pursuant to Chapter 4 of Title 41, United States Code, subject to the limitations contained in Section 257 (a) and (b) of that chapter.

b. To contract for printing services for the Agency pursuant to Chapter 4 of Title 41, U.S.C., as amended, subject to the limitations contained in Section 257 (a) and (b) of that Chapter and pursuant to Title 44, U.S.C.

c. Monetary limitation: Contracting Officers up to $500,000.

3. *Agreement Officer, Office of External Awards.* (Agreement Officers are appointed by the Assistant Administrator for Administration using Certificates of Appointment.)

a. To execute grants or cooperative agreements authorized by Federal Statute, except Section 7(j) of the Small Business Act, subject to the limitations contained in Pub. L. 95–224, OMB Circular A–110 and OMB Circular A–102.

b. Monetary limitations: Agreement Officers up to $500,000.

II. The specific authorities delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting in that position with the exception of Contracting and Agreement Officers who are warranted by name. Such warrants do not authorize "acting" or any substitutions.

Effective Date: March 17, 1982.

Dated: March 11, 1982.

Roger H. Jones,

Assistant Administrator for Administration.

[FR Doc. 82–7185 Filed 3–16–82; 8:45 am]

BILLING CODE 8025–01–M

Hampshire Capital Corp.; Filing of Application for Transfer of Control

[License No. 01/01–0297]

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701 (1981)) for transfer of control of Hampshire Capital Corporation (License), One Middle Street, Portsmouth, New Hampshire 03801, a Federal Licensee under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 66 et seq.). The proposed transfer of control of Hampshire Capital Corporation, which was licensed September 2, 1980, is subject to the prior written approval of SBA.

Pursuant to an agreement dated January 4, 1982, between Mr. Stanley C. Olsen and the Emery-Waterhouse Company (EWC), sole shareholder of the Licensee's stock, Mr. Olsen proposes to purchase all 5,250 shares of the Licensee's outstanding stock from EWC. Simultaneously with this transfer of

stock, it is anticipated that 584 shares of authorized but heretofore unissued shares of the Licensee's stock will be issued and sold to Mr. Philip G. Baker in consideration of his services as President of the Licensee.

Assuming consummation of the proposed transfer of ownership and control, the management and stockholders of the Licensee will be:

		percent of ownership
Stanley C. Olsen, 24 French Drive, Bedford, N.H. 03102.	Chairman of Board and Director.	90
Philip G. Baker, Wild Rose Lane, New Castle, N.H. 03854.	President and Director.	10
William A. Darling, 32 Valley Road, Cape Elizabeth, ME 04107.	Treasurer and Director.	
Carol M. Dunbar, 19 Howard Street, Portsmouth, N.H. 03801.	Secretary	

The Licensee will retain its corporate name and new locataion at One Middle Street, Portsmouth, New Hampshire 03801.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and mangement, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA rules and reguations.

Notice is hereby given that any person may not later than April 1, 1982, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Portsmouth, New Hampshire.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 12, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-7188 Filed 3-16-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular, Public Debt Series—No. 8-82]

Treasury Notes of March 31, 1986 Series G-1986

March 11, 1982.

1. Invitation for Tenders

1. 1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,750,000,000 of United States securities, designated Treasury Notes of March 31, 1986, Series G–1986 (CUSIP No. 912827 NA 6). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2. 1. The securities will be dated March 31, 1982, and will bear interest from that date, payable on a semiannual basis on September 30, 1982, and each subsequent 6 months on March 31 and September 30 until the principal becomes payable. They will mature March 31, 1986, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2. 2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2. 3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2. 4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entery securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entery securities, and the transfer of registered securities will be permitted.

2. 5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3. 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, March 24, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, March 23, 1982, and received no later than Wednesday, March 31, 1982.

3. 2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their

political subdivisions or instrumentalities; public pension and retirement and other public funds; international orgainzations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank of a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of nomcompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Wednesday, March 31, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, March 29, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forefeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are availabile, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary,

to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 82-7153 Filed 3-12-82; 2:45 pm]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 52
Wednesday, March 17, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Depository Institutions Deregulation Committee	2
Federal Communications Commission	3-5
Federal Reserve System (Board of Governors)	6
National Transportation Safety Board	7
Nuclear Regulatory Commission	8

1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, March 26, 1982.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION:
Jane Stuckey, 254-6314.

[S-398-82 Filed 3-15-82; 2:40 pm]

BILLING CODE 6351-01-M

2

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

TIME AND DATE: 3:30 p.m., March 22, 1982.

PLACE: Cash Room, Department of the Treasury (Use Pennsylvania Avenue Entrance), Pennsylvania Avenue between 15th Street and East Executive Avenue, Washington, D.C., 20220.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Election of Chairman and Vice Chairman.
2. Consideration of a plan to deregulate interest rate limitations on time deposits.
3. Consideration of short-term deposit instrument proposals.
4. Consideration of the interest rate ceiling for savings deposits.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the DIDC offices at the Department of the Treasury, and copies may be purchased for $5.00 per cassette by calling (202) 566-5152 or by writing to: Depository Institutions Deregulation Committee, Department of the Treasury, Room 1054 MT, Washington, D.C., 20220.

For further information about the DIDC and the March 22 meeting, please call (202) 566-3734.

Steven L. Skancke,

Executive Secretary of the Committee.

March 15, 1982.

[S-397 Filed 3-15-82; 2:40 pm]

BILLING CODE 4810-25-M

3

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, March 18, 1982, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Private Radio—1—*Title:* Summary and exposition of items 2, 3, 4, 5 and 6 on the March 18, 1982 Agenda. *Summary:* This item does not recommend a specific action by the Commission. Instead, it briefly outlines and interrelates the issues before the Commission in items 2 through 6.

Private Radio—2—*Title:* The Amendment of Part 90 (formerly Parts 89, 91, & 93) of the Commission's Rules to Adopt New Practices and Procedures for Cooperative Use and Multiple Licensing of Stations in the Private Land Mobile Radio Services. Docket No. 18921. *Subject:* The Commission will consider whether or not to adopt a Report and Order finalizing rules to govern cooperative sharing and multiple licensing arrangements in the private land mobile radio services.

Issued: March 11, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

Private Radio—3—*Title:* Amendment of Part 90 of the Commission's Rules to Prescribe Policies and Regulations to Govern the Interconnection of Private Land Mobile Radio Systems with the Public Switched Telephone Network in the Bands 806-821 MHz and 851-866 MHz. *Summary:* The Commission will consider whether to adopt rules to enable private radio communication systems licensed under Part 90 in the 800 MHz bands to interconnect with the facilities of the public switched telephone network. Such rules would enable private licensees to better utilize their radio systems by allowing interconnected operation under certain conditions. The Commission will also consider an associated petition for rule making filed by the California Mobile Radio Association.

Private Radio—4—*Title:* In the Matter of Amendment of Section 90.397 of the Commission's Rules concerning mobile station, control point and control station authorization procedures for 800 MHz common user systems. Summary: The FCC will consider whether to adopt several rule amendments which would modify the present "two—tier" licensing of specialized mobile radio systems (SMRS's). The FCC now requires separate licensing for (1) and SMRS base station and ancillary facilities and (2) each SMRS user. If these rule amendments are adopted, and SMRS base station licensee would have the option of also being authorized for all associated mobile stations, control stations and control points in lieu of separate SMRS user licensing. This proposed option is called "fleet licensing."

Private Radio—5—*Title:* Amendment to Parts 2, 22, and 90 of the Commission's Rules and Regulations to Allocate Spectrum in the 928-941 MHz band, and to Establish Other Rules, Policies, and Procedures for One-way Paging Stations in the Domestic Public Land Mobile and Private Land Mobile Radio Services. *Summary:* The Commission will consider whether to adopt a Further Notice of Proposed Rule Making addressing the use of 900 MHz spectrum by the Private Radio Services for one-way paging systems.

Private Radio—6—*Title:* Report and Order to permit the use of digital voice communications systems (F3Y emission) in the Public Safety, Industrial, and Land Transportation Radio Services on a primary, co-equal basis with A3 and F3 emission (i.e. analog voice) systems. *Summary:* The Commission will consider adopting rules to permit all Public Safety, Industrial, and Land Transportation Radio Services users who operate their radio systems on coordinated frequencies to use digital voice emission. This will greatly enhance the security of plant processes and help protect the users against loss of life and property as well as loss of proprietary data.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

[S-396-82 Filed 3-15-82; 10:43 am]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION

The following item has been deleted at the request of the Managing Director from the list of agenda items scheduled for consideration at the March 11, 1982, Open Meeting and previously listed in the Commission's Notice of March 4, 1982.

Agenda, Item No., and Subject

General—1—*Title:* Radio Technical Commission for Marine Services (RTCM) *Summary:* The Commission sponsors the RTCM. As part of the program reductions mandated by the current budget, it is proposed to terminate sponsorship at the end of FY 82.

Issued: March 10, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–395–82 Filed 3–15–82; 10:43 am]

BILLING CODE 6712–01–M

5

FEDERAL COMMUNICATIONS COMMISSION

The following item has been deleted at the request of the Office of Commissioner Rivera from the list of agenda items scheduled for consideration at the March 11, 1982, Open Meeting and previously listed in the Commission's Notice of March 4, 1982.

Agenda, Item No., and Subject

Renewal—1—*Title:* License Renewal Applications of Certain Broadcast Stations Serving the Chicago Metropolitan Area. *Summary:* The Commission considers a petition to deny and informal objection by the Latino Committee on the Media, which challenges the renewal of licenses for 27 stations located within the Chicago metropolitan area, based on allegedly deficient employment practices regarding Hispanics.

Issued: March 11, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–394–82 Filed 3–15–82; 10:42 am]

BILLING CODE 6712–01–M

6

FEDERAL RESERVE SYSTEM

Board of Governors.

TIME AND DATE: 10 a.m., Monday, March 22, 1982.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Request by the General Accounting Office for Board comment on a draft report regarding the bank merger process.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: March 12, 1982.

James McAfee,

Assistant Secretary of the Board.

[S–392–82 Filed 3–12–82; 4:59 pm]

BILLING CODE 6210–01–M

7

NATIONAL TRANSPORTATION SAFETY BOARD

(NM–82–8]

TIME AND DATE: 9 a.m., Wednesday, March 24, 1982.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Ave., S.W., Washington, D.C. 20594.

STATUS: The first two items will be open to the public, item three will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Highway Accident Report:* North American Van Lines Tractor-Semitrailer/Ford Van Collision in Construction Zone, I–80 near Cleveland, Ohio, July 22, 1981, and Recommendations.

2. *Highway Accident Report:* Herman Duvall Tractor-Pole Semitrailer/S. L. & B. Academy, Inc., Schoolbus Collision, U.S. Route 45, near Waynesboro, Mississippi, October 12, 1981, and Recommendations.

3. *Opinion and Order:* Administrator V. DiGiovanni, Docket SE–4841; disposition of respondent's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming (202) 382–6525.

March 12, 1982.

[S–393–82 Filed 3–15–82; 9:29 am]

BILLING CODE 4910–58–M

8

NUCLEAR REGULATORY COMMISSION

DATE: Week of March 15, 1982 (Revised) and Week of March 22, 1982.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Monday, March 15

11:00 a.m.: Briefing by Executive Branch on Export-Related Matters (closed meeting).

Tuesday, March 16

10:00 a.m.: Staff Briefing on Proposed Addition on 10 CFR 50.73 Establishing the Licensee Event Report (LER) System (public meeting) (as announced).

Wednesday, March 17

2:00 p.m.: Discussion of Management-Organization and Internal Personnel Matters (closed meeting) (rescheduled from 3/19).

Thursday, March 18

10:00 a.m.: Affirmation/Discussion Session (public meeting) (as announced) Items to be affirmed and/or discussed:

a. Dr. George V. Taplin's Petition (PRM 35–1) Regarding. 10 CFR Part 35, "Human Uses of Byproduct Material".

b. Proposed Addition on 10 CFR 50.73 Establishing the Licensee Event Report (LER) System.

c. Proposed Rulemaking, "Codes and Standards," 10 CFR 50.55a.

d. Devine FOIA Appeal (82–A–1C) Regarding OIA Zimmer Report.

Friday, March 19

10:00 a.m.: Briefing on Nuclear Power Plant Survey (public meeting) (as announced).

Tuesday, March 23

1:30 p.m.: Meeting with the Advisory Panel for the Decontamination of TMI–2 (public meeting).

3:00 p.m.: Discussion of Waste Confidence Proceeding (Closed Meeting).

Thursday, March 25

10:00 a.m.: Briefing on Steam Generator Problems (public meeting).

3:00 p.m.: Affirmation/Discussion Session (public meeting). Items to be affirmed and/or discussed:

a. Psychological Health Under the Atomic Energy Act—Draft Order.

b. Amendment to 10 CFR 35 to Require Installation of Radiation Monitors in Teletherapy Rooms and Periodic Inspection and Servicing of Teletherapy Machines.

ADDITIONAL INFORMATION: By a vote of 5–0 on March 10, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107a of the Commission's Rules that Commission business required that Discussion of Management-Organization and Internal Personnel Matters (closed meeting), held that day, be held on less than one week's notice to the public. Affirmation of Export and Import of Nuclear Equipment and Material: Proposed Amendments to NRC's Regulations, scheduled for March 11, has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

March 12, 1982.

[S–399–82 Filed 3–15–82; 3:52 pm]

BILLING CODE 7590–01–M

federal register

Wednesday
March 17, 1982

Part II

Department of the Interior

National Park Service

General Regulations for Areas Administered by the National Park Service

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Parts 1, 2, 3, 4, 5, 6, 7, and 12

General Regulations for Areas Administered by the National Park Service

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service is proposing to revise regulations presently codified in 36 CFR Parts 1, 2, and 3 and to amend 36 CFR Parts 4, 5, 6, 7, and 12. These rules provide guidance and controls for public use and recreation activities (*e.g.*, camping, fishing, winter activities, boating) in areas administered by the National Park Service. Proposed changes stress consistency, clarity, and increased public involvement in Service management procedures. The proposed revisions will help the National Park Service provide improved visitor safety and resource protection. Enactment of the revised regulations will eliminate many requirements which are ineffective or out-of-date, and apply new rules which reflect current public use and resource management needs.

DATES: Written comments, suggestions or objections will be accepted until May 17, 1982.

ADDRESS: Comments should be directed to: Associate Director, Management and Operations, National Park Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Maureen Finnerty, Division of Ranger Activities and Protection, National Park Service, Washington, D.C. 20240, Telephone (202) 343–4874 or 5607.

SUPPLEMENTARY INFORMATION:

Background

The regulations contained in Parts 1 through 7 of Title 36 of the Code of Federal Regulations are the basic mechanism used by the National Park Service to protect the natural and cultural resources of the parks and to protect visitors and property within the parks. Parts 1 through 6 are general regulations applicable to all areas of the National Park System, with some exceptions, while Part 7 contains special regulations which have been found necessary for individual parks as supplements to the general regulations.

The general regulations were revised last in 1966, although amendments and additions have been made from time to time since then, usually in response to new situations for which the existing regulations were not sufficient. During these years, though, the evolution of the National Park System, new statutory authorities, and changing visitor use patterns contributed to a perception that a comprehensive review of the general regulations was needed. When combined with recent governmentwide efforts to simplify regulations and ease the burden of regulations on the public, this situation led to a Service decision in 1980 to review and revise the general regulations.

A task force of employees with a wide variety of backgrounds in law enforcement, park management, and regulations was established to work on Parts 1, 2 and 3. Their charge was to review the existing regulations, determine their applicability to the existing park management framework, and identify unnecessary or duplicative regulations.

It is expected that adoption of these regulations will have several effects. One is to establish rules which can be clearly understood and followed by the public and by National Park Service employees and managers. Consistency in the use of terms is stressed. This objective is largely achieved through an expanded list of definitions. All the regulations in Parts 1–3 have been renumbered. This was done to group like rules and to make finding and reference easier. The revised regulations will also result in more consistent application and enforcement Servicewide. Confusing and inconsistent standards, such as the current permit system, have been clarified and, where appropriate, consolidated or eliminated. Additional guidelines, such as the creation of a systematic procedure for public notification of park closures or restrictions, have been devised.

A major effect of this rulemaking is the elimination of the management categories from Parts 1 through 3 of the Code of Federal Regulations. Secretary of the Interior Udall recognized, in a letter to the Director, that the National Park System was comprised of areas which fell into three broad categories—natural, historical and recreational, and that certain principles for guidance in resource management, resource use, and physical developments of each category should be developed. Based upon these principles, the National Park Service developed a series of Administrative Policies for each category which served as guidelines for park management for a number of years.

One application of these guidelines was incorporation of the management categories in regulations established to control certain park uses. In general, these regulations reflected a feeling that public use could, in some instances, be less restricted in areas within the recreational category, while the importance of preserving natural and cultural resources in the other categories required higher degrees of control. To a major extent, this was due to the fact that legislation for parks such as National Recreation Areas and National Seashores (and later National Lakeshores and National Riverways) provided for uses (*e.g.*, hunting) which had been banned in the traditional park areas.

Since 1964, changes in the composition of the National Park System have been extensive. Each unit of the System must now be given more individual attention in planning and management to ensure that legislative mandates and policy requirements are met. As a consequence, broad management categories are no longer effective tools to deal with many of these issues, and the National Park Service has determined that their use should be terminated.

Use of the management categories has already been eliminated from the revised edition of the *Management Policies* of the National Park Service, the *Index of the National Park System and Affiliated Areas*, and from other publications as well. This proposed rulemaking deletes the use of the management categories from regulations in Parts 1–3 of Title 36 of the Code of Federal Regulations.

Through these proposed revisions, the National Park Service is seeking compliance with Executive Order 12291 on Federal Regulations (46 FR 13193, February 19, 1981). A major thrust of this rulemaking is the elimination of unnecessary, conflicting, and duplicative regulations. This is accomplished through such features as the adoption of Coast Guard regulations in Part 3. One outcome of these revisions will be the elimination of numerous special regulations. Once these proposed rules are finalized, it is estimated that 225 Part 7 special regulations will no longer be necessary. In the months ahead, the National Park Service intends to identify and seek public comment on these unnecessary regulations through the rulemaking process.

The Service believes that these proposed rules respond to today's concerns for managing the National Park System, providing maximum flexibility to park managers to deal with the wide variety of situations found throughout the System, and maintaining protection of the resources and values which have led to the establishment of parks.

Section-by-Section Analysis

Part 1

As currently codified in Title 36 of the Code of Federal Regulations, Part I consists of three sections. These three sections set forth the applicability and scope of the regulations, define terms, and establish penalties. The proposed regulations revise Part I as follows:

(1) A new section is added setting forth the purpose of the regulations codified in Title 36.

(2) The existing section on applicability and scope has been updated and clarified.

(3) A new paragraph has been added to the penalty provisions.

(4) The definition section has been significantly expanded.

(5) The closure section formerly found a § 2.6 has been revised and recodified as § 1.5. That section has also been expanded to include procedures for establishing public use limits, activity restrictions, and visiting hours.

(6) A new section setting forth the procedures for the application and issuance of permits has been developed and codified as § 1.6.

(7) The public notice procedures currently found in the text of the existing regulations have been incorporated into §1.7, and the methods the superintendent may utilize to inform the public have been expanded.

Section 1.1 *Purpose.* This is a new section. The first paragraph consists of elements currently found in § 1.1 (applicability and scope). The second paragraph sets forth the rationale for the Service's regulatory program by referencing the statutory purposes of areas of the National Park System.

Section 1.2 *Applicability and scope.* This section has been amended by making the regulations found in Parts 1 through 6 applicable to the National Cemeteries listed in Part 12, in accordance with existing law.

The Service proposes to revoke the duplicative regulations currently found in existing Part 12 and renumber the remaining Part 12 regulations pending a comprehensive analysis of the current regulatory requirements of the National Cemeteries.

Several minor amendments were made to clarify the section. One of these changes amends the existing regulation § 1.1(c) by providing that the regulations applicable to units of the National Park System in Alaska, found in Part 13, may amend, modify, relax or make more stringent like regulations contained in Parts 2 through 6 of Chapter I. This provision places Part 13 in the same general category as Part 7.

Another amendment to the existing regulations provides that actions undertaken by the National Park Service pursuant to approved management plans and in concert with existing policy or emergency actions taken in an effort to safeguard life or property are not subject to the prohibitions prescribed in these regulations.

The National Park Service also has under consideration the possibility of having all or a portion of these proposed regulations applicable to scenic easements which are under its administration. The Service is specifically seeking comments on which, if any, regulations should be applicable to scenic easements.

Section 1.3 *Penalties.* Existing § 1.3 has been amended by the addition of a new paragraph (d). This paragraph provides the penalty authority for the recreation fee regulations found in § 2.23 and promulgated under the authority of § 4 of the Land and Water Conservation Fund Act of 1965, as amended. 16 U.S.C. 460*l*.

Section 1.4 *Definition.* The existing definition section (§ 1.2) contains nine definitions. The proposed § 1.4 has been significantly expanded to 51 definitions. The Service determined that this was essential to provide clarity and give more specific information to the public and park personnel.

Section 1.5 *Closures and public use limits.* Section 1.5 represents a significant revision of the existing regulations codified as § 2.6. As proposed, the new regulations establish a uniform administrative framework for the exercise of a superintendent's closure and public use control authority. This regulation will accomplish three principal objectives: (1) It will standardize, to the greatest degree possible, the circumstances under which a superintendent may apply closures, public use limitations, and visiting hour and activity restrictions; (2) It will, in conjunction with § 1.7, provide for consistent and effective public notification of the imposition of a closure or other restriction or control; and (3) It will, in appropriate instances, provide an opportunity for public input into the superintendent's decisionmaking process.

Section 1.5 will replace § 2.6 of the existing regulations. The Service has found that §2.6 was not framed in broad enough terms to cover the range of resource management and visitor use problems which routinely occur in the units of the National Park System. For this reason, the new regulation adopts into its administrative scheme two types of controls—area designations and restrictions on use or activities—which were not specifically mentioned in §2.6. These classes of controls are combined with the closure, visiting hour, and public use limit authorities which had been vested in the superintendent under the old regulation.

Each of the five categories of controls serves a specific purpose. A visting hour restriction, for example, may not be imposed for the purpose of achieving an activity restriction. Similarly, activity restrictions may not be imposed to such a degree that they will, in effect, result in the closure of an area to all use. In paragraph (a)(1) the superintendent may establish visiting hours, impose a public use limit, or close an area (or all of the park) to all use or a specific activity. In addition, the superintendent is authorized under paragraph (a)(2), to impose restrictions or conditions on a use or activity.

All of the management tools recognized in this section have their utilization tied to situations described in paragraph (a). They may not be used if they would conflict with "applicable legislation," such as 16 U.S.C. 1 or the enabling legislation for a specific park area. Furthermore, this authority may be applied only after the superintendent determines that at least one of the objectives described in paragraph (a) requires such action.

Under paragraph (b), the superintendent must maintain a written record of the determinations which serve as the basis for invoking the authority of this section. Although this record need not be detailed or lengthy, it must provide a meaningful explanation of the reason the action was taken. When the action must be implemented to address an emergency situation, such as where there is an imminent, serious threat to public health and safety or park resources, this determination need not be prepared until after the action has been taken.

Paragraph (d) explains how the public will be notified of, and involved in, the exercise of authority conveyed by § 1.5. As provided in paragraph (d)(1), except when there is an imminent, serious threat to public health and safety or park resources, the superintendent shall rely on notice and comment rulemaking procedures for closures or restrictions on use which will have a major impact on the visitor use patterns for all or a portion of a park area or require a long-term or significant modification in the resource management objectives of that unit. In making this determination, a broad perspective must be maintained. A permanent closure of a limited area within a park does not require the use of notice and comment procedures, unless

it also has the required effect of significantly altering or disrupting use by a substantial number of park visitors. In this connection, it should be noted that a particular closure or restriction in a small park unit may require rulemaking, even though it would not if applied in a park with a different use pattern. Public notice and comment is not intended to apply to measures taken to achieve routine resource management objectives, such as facility maintenance or rehabilitation, and routine practices which are aimed at preserving the viability, integrity and natural character of the park ecosystem. The public will be notified of closures, designations, restrictions and conditions which fall below the threshhold of paragraph (d)(1), and all visiting hour restrictions, public use limits, and public use limit procedures, as appropriate, under § 1.7.

Paragraph (e) sets forth the prohibition clause for failing to abide by closures, visiting hours and public use limits. Prohibitive language for an activity restriction or violation of the terms and conditions of a permit is found in the specific regulations which authorize the application of that authority. *See, e.g.*, Picnicking, § 2.11.

Section 1.6 *Permits:* The permitting procedures set forth in § 1.6 are a new codification of existing permit authorities. The purpose of the regulation is threefold: (1) To provide specific authority to the superintendant to issue a permit; (2) To standardize the circumstances which justify the issuance of a permit and the procedures which must be followed; and (3) To provide for public notification of the existence of a permit requirement.

Paragraph (a) establishes the administrative mechanism for the issuance of permits. Permits may be issued when authorized by another regulation in this chapter, or when necessary to impose a public use limit imposed under § 1.5(a)(1). The establishment of a permit system is permissible only when consistent with applicable laws, regulations and policies. Permits used to allow otherwise restricted activities need not be based upon a written determination. When used to impose a public use limit, however, the requirements of § 1.5(b) will apply.

When a permit system is established, application for that permit must be submitted during regular business hours. When a time limit is imposed, such as in § 2.51, it must be read as requiring that the permit application be submitted at least 48 hours in advance—During normal business hours.

Under paragraph (c) it is made clear that the public must be notified of the existence of a permit system. The superintendent has discretion, however, to choose whichever § 1.7 method will be best-suited for achieving this goal.

Paragraph (d) requires that once a permit system is created, permits which have been properly applied for *must be issued* unless to do so would, in the judgment of the superintendent, adversely impact one of the criteria listed in paragraph (a), be contrary to the express provisions of another regulation, or result in the designated capacity for an area or facility being exceeded. Revocation and penalty clauses for violations of the terms and conditions of a permit are contained in § 1.5(e) (public use limits) and the specific regulations which authorize their issuance.

These proposed regulations provide that the penalty for violating the terms and conditions of a permit is the revocation of the permit. As an alternative, however, the Service is strongly considering the imposition of criminal sanctions for permit violations. Under a parent rule promulgated in accordance with the Administrative Procedures Act (APA), 5 U.S.C. 551 *et seq.*, which allows the superintendent to permit an otherwise unlawful activity in accordance with the terms and conditions of a permit, the violation of which could result in criminal prosecution, the National Park Service is specifically seeking comment on whether this approach constitutes adequate notice and appropriate protection to NPS resources.

The National Park Service is considering this alternative because it allows the Service to take corrective action for activities conducted outside the scope of the permit or in violation of its terms and conditions, rather than taking action which results in the total loss of the privilege through permit revocation.

Section 1.7 *Public notice.* Section 1.7 sets forth the public notice methods that shall be used to make known the existence of § 1.5(a) or §1.6 controls. The superintendent shall choose whichever method, or combination of methods, will appropriately advise park users of such controls. In selecting the appropriate method of public notice, it is intended that the superintendent will consider a variety of factors including, but not limited to, the nature of the use affected, the number of users likely to be involved, the compatability of the means of notice with the park environment, legal requirements, and the effectiveness of alternative means. The posting of signs, for example, may interfere with the natural setting of backcountry areas, in which case other means should be used. When rulemaking is required under § 1.5(d)(1), those procedures are considered adequate for purposes of public notice. However, once a final rule is in effect, the superintendent should use additional methods of public notification.

Paragraph (b) requires the superintendent to assemble in written form and update annually, a compendium of closures, use restrictions and other discretionary designations. This compendium will be satisfied by compiling in one source all § 1.5(a) written determinations and § 1.6(e) permit requirement listings.

Part 2

Section 2.1 *Preservation of natural, cultural and archeological objects.* The present regulation (§ 2.20) provides general authority for the Service to protect public property, natural features and resources from improper possession, destruction, injury, defacement, removal, or disturbance. The superintendent may designate amounts and types of certain fruits and berries that may be gathered or possessed for personal consumption or use, and prohibits the sale of these items. This section also prohibits the possession or use of mineral or metal detectors. In certain aspects, the present § 2.20 provides stricter protection for resources in natural and historical areas than for resources in recreational areas.

As proposed, § 2.1 applies a single standard of resource protection for all parks, rather than establishing less stringent standards for recreational areas. Other changes are the addition of paragraph (a)(3), which prohibits the introduction of non-native species into parks, and paragraph (a)(4) which disallows taking shortcuts between portions of the same or adjacent trails. Another addition is found in paragraph (a)(5) which prohibits walking, climbing or traversing on ruins, or archeologial or cultural resources, except in designated areas and under conditions prescribed by the superintendent.

The restructuring of this section will provide superintendents of all areas with greater authority to protect natural and cultural resources from damaging activities.

The addition of a provision concerning non-native species is necessary to alleviate a severe natural resource management problem facing some parks today—the introduction of exotic species of plants and animals. In some cases these were deliberately introduced into parks. While this regulation cannot prevent unassisted spreading of species from outside

locations, it does give superintendents clear authorty to halt any deliberate introductions. This should reduce the number of new situations involving non-native species which the Service must face.

The provision prohibiting short cuts between trails is intended to reduce the resource impact which results from this practice. In some instances it is significant. Climbing on ruins or archeological or cultural resources is a frequently encountered problem in historic and archeological areas. This regulation gives the superintendent the authority to protect these fragile resources from this abuse.

The term "archeological resource" and "cultural resource" are defined in § 1.4. The National Register of Historic Places, Cultural Sites Inventory, National Catalog of Museum Objects, and List of Classified Structures mentioned in the latter definition are all available from the Assistant Director, Cultural Resources Management, National Park Service, Washington, D.C. 20240. In addition, individual parks maintain their own List of Classified Structures.

The list of renewable resources that may be gathered for personal consumption or use within a particular park will be available to the public as part of the park's compendium referenced in § 1.7.

Section 2.2 *Wildlife protection.* This section is currently codified as § 2.32. The existing regulations designate those park areas where hunting or trapping are generally permitted by reference to a management category. The injury, harassment or taking of wildlife in those park areas classified as natural or historical areas is prohibited. Hunting and trapping of wildlife is generally permitted in those parks classified as recreational areas. The principal change in this regulation is the elimination of the concept of management categories to reference those park areas where hunting and trapping are permitted. Instead, the revised regulation bases the permissibility of hunting and trapping on the enabling legislation for each park area.

In cases where the legislation for a park area does not authorize hunting or trapping, the taking of wildlife is prohibited. If the legislation for a park area authorizes hunting or trapping on a discretionary basis, special regulations for the park area will be required in order to implement a hunting or trapping program. The process of developing special regulations will require the preparation of an environmental assessment and an opportunity for public comment. In those park areas where the legislation directs that hunting or trapping be permitted, the Service will implement the types of restrictions necessary to ensure resource protection and public safety.

A new paragraph (c) has been included in this section to reaffirm existing departmental regulations found at 43 CFR 24.3(b) and requirements found in the enabling legislation for many park areas. This provision encourages cooperation and communication with State agencies relating to the management and protection of wildlife within units of the National Park System. However, it is not intended to bind the National Park Service to the recommendations of the State or lessen the authority or responsibility of the superintendent to ensure that management actions are consistent with public safety and enjoyment, sound resource management principles and are compatible with the primary objectives for which the park area is established.

The existing regulations provide that where authorized, hunting and trapping shall be conducted in accordance with Federal and State law. Paragraph (b)(4) incorporates a revised version of the existing regulation and ensures that, consistent with Federal law, hunting and trapping activities shall be conducted within the framework of applicable State law. Additionally, this paragraph specifically adopts State laws governing hunting and trapping as Federal law.

Paragraph (a)(4), and paragraphs (d) and (e) are new provisions to the general regulations. However, similar provisions are found in the special regulations in Part 7. The Service believes that implementation of paragraph (e) will provide greater protection for wildlife in those park areas with a history of poaching problems.

Paragraph (a)(4) prohibits the discharge of a weapon except for the purpose of taking wildlife. This regulation was developed to limit the discharge of weapons to those instances when a hunter is actively attempting to take wildlife. This provision will prohibit the random discharge of weapons and target practicing.

Additionally, codification of these provisions in the general regulations will result in the deletion of similar provisions from the special regulations. The language in this section has been standardized to reference the *taking* of wildlife. The term taking has been defined in § 1.4(a)(44). The term includes "attempt" as an element of the definition. Additionally, the terms hunting and trapping both reference the taking of wildlife but through different methods.

The Service is contemplating the addition of a provision regulating persons who assist or guide individuals in hunting. Comments on the need for such a provision are requested.

Section 2.3 *Fishing and the taking of aquatic wildlife.* The current regulation governing fishing (§ 2.13) permits fishing in accordance with State law and assimilates those State regulations as Federal law. It lists those park areas where a fishing license is *not* required. It prohibits certain activities or procedures relating to the taking or possession of fish. It prohibits the use of minnows or unpreserved fish eggs in the fresh waters of natural and historical areas, and prohibits "chumming."

The proposed regulation retains most of the provisions of the present § 2.13 with some rewording and reorganization. The proposed revision removes the references to the natural and historical management categories and establishes a single standard of protection for fish and wildlife within areas of the National Park System. The current regulation allows fishing in accordance with State law. The current regulation is unclear or silent on the taking of other aquatic species traditionally authorized under many State fishing regulations. The proposed regulations authorize the taking of other aquatic species within park areas including frogs, turtles, crabs, clams, mussels, crayfish, and lobsters, when authorized under applicable State law.

The superintendent, in accordance with § 1.5, is authorized to restrict or close a park area to the taking of fish or aquatic wildlife in order to protect natural resources or the integrity of the ecosystem. Additionally, the superintendent is authorized to impose restrictions on fishing such as designating certain streams as open only to catch and release fishing or to the use of artificial lures.

The proposed regulations clarify the existing rules by retaining the provisions governing fishing in fresh waters, and by providing that unless otherwise designated, fishing or the taking of aquatic wildlife including the use of nets and traps in the salt water of park areas shall be permitted in accordance with State law. The definitions found at § 1.4(a) (5) and (17) have been designed to reflect the distinction between fishing and the taking of aquatic wildlife. Fishing is defined as the taking of bony fish or sharks. In the fresh waters of park areas, fishing is limited to hook and line with the rod being closely attended. The proposed regulations allow the

taking of aquatic wildlife in accordance with State law, unless otherwise designated by the superintendent.

Paragraph (b) of the proposed regulations has been revised by the deletion of Platt National Park from the list of parks not requiring fishing licenses. This change is a result of the establishment of concurrent jurisdiction between the State of Oklahoma and the United States.

Paragraph (c) has been included in this section to reaffirm existing legislative requirements applicable to park areas and the departmental regulations found at 43 CFR 24.3(b). This provision encourages cooperation and communication with State agencies relating to the management and protection of wildlife within units of the National Park System. It is not intended to bind the National Park Service to the recommendations of the State or lessen the authority or responsibility of the superintendents to ensure that mangement actions are consistent with public safety and enjoyment, sound resource management principles, and are compatible with the primary objectives for which the park area is established.

Paragraph (f) of the proposed regulation authorizes the National Park Service to conduct "creel checks" to determine if there has been a violation of number, size, or species restrictions. This authority conforms to normal State practices and is essential to a meaningful program to manage and protect aquatic resources in parks.

Section 2.4 *Weapons, traps and nets.* Under existing regulations (§ 2.11) firearms, traps, nets, and weapons are prohibited in natural and historical areas. In recreational areas the above referenced items may be used or possessed in accordance with applicable Federal, State, and local law. The proposed regulations have been designed to ensure public safety and provide maximum protection of natural resources by limiting the opportunity for unauthorized use of weapons, traps, or nets while providing reasonable regulatory relief for persons living within, traveling through, or conducting activities on lands adjacent to park areas.

The proposed regulations base allowed use or possession of weapons, traps, or nets on three criteria. First, the possession or use of weapons, traps, and nets is allowed, in accordance with State law, at those times and locations when their use is necessary to engage in an activity which is authorized under the revised §§ 2.3 or 2.4.

Second, the proposed regulations recognize that the travelling public often possesses property that is unrelated to their visit to a party area. Accordingly, the regulations provide that properly stored, unloaded weapons may be possessed within or upon a mode of transportation, or within a temporary lodging such as a motel, room or tent. The Service recognizes that many persons living within park areas own weapons, traps, or nets. Paragraph (c)(1) was developed in order to provide relief from the basic prohibition found in paragraph (c).

Third, the regulations provide authority for the superintendent to designate corridors within which traps, nets, and unloaded weapons may be possessed or carried. The corridor is intended to provide access to lands or waters contiguous to park areas where the only reasonable access is through the park. The Service intends that this regulation be implemented in a manner that provides legitimate access to lands otherwise inaccessible, while ensuring that protection of park recources is not diminished. The regulation is not intended to provide easy or more economical access to hunting areas adjacent to park areas. It is intended to recognize and address individual access problems to private property or address those rare instances where public access to adjacent lands or waters has effectively been eliminated by the implementation of these revised regulations or is otherwise impracticable.

The definition of weapon found in § 1.4 includes any weapon the possession of which is prohibited under the laws of the State in which the park area or portion thereof is located. In some states this may include such weapons as hunting knives, bayonets, switchblades, and blackjacks.

Section 2.5 *Research specimens.* The present § 2.25 provides that research specimens may be collected in units of the National Park System under certain circumstances, and establishes procedural guidelines for the issuance of these permits. While §§ 2.2 and 2.3 provide for the taking of wildlife, fish or aquatic wildlife, § 2.5 establishes the only procedure for individuals to *collect* plants, fish, aquatic wildlife, and wildlife from park areas.

The collection of these objects must be done in accordance with a specimen collection permit. Since this is a unique permitting situation, the criteria and procedures are included in the body of this regulation rather than in § 1.6.

Permits may be issued only to certain persons and for limited purposes, *i.e.* a reputable scientific or educational institution in the person of an official representative. In addition, the specimens must be sought for research, group study or museum display. Permits to secure rare natural objects or those listed as endangered or threatened under the Endangered Species Act, are granted by the Director only if such object cannot be secured elsewhere and is needed for special scientific use.

This proposed regulation (§ 2.5) is not a substantive revision to the present § 2.25. There is a major change, however, in paragraph (b), where the collecting of wildlife is more strictly limited than in the present regulation.

If a specimen collection permit is sought for activities which contemplate the killing of biota, certain restrictions apply depending on the particular park area for which the permit is sought. Although the following classification of park areas is based on legislation referring to the taking of wildlife, the classification itself applies to biota generally. Thus, permit applications which contemplate the destruction of plants are likewise governed by this classification.

If a permit is sought for a park area in which the enabling legislation authorizes the taking of wildlife, the permit may be issued only if the Regional Director determines that collection of the specimen will benefit science. Benefit to science may be based upon use of the specimen for such activities as research, group study or museum display.

If a permit is sought for a park area in which the enabling legislation neither authorizes nor prohibits the taking of wildlife, the permit may be issued only if the Regional Director determines that collection has the potential of providing information that can assist park management and assure protection of park resources. This standard contemplates use of the specimen for applied research directly applicable to park management.

No specimen collection permits which contemplate the killing of biota may be issued for those park areas in which the enabling legislation prohibits the taking of wildlife.

The Service feels that more stringent requirements concerning the collection of research specimens are in keeping with its mandate to preserve and protect park resources. The National Park Service cannot authorize the general collection of research specimens (where the killing of biota is contemplated), which violates statutory mandates in some parks. On the other hand, collection for scientific purposes should be allowed unless prohibited by the enabling legislation for a park area and when such collection will benefit

science or is for applied research directly applicable to park management. This revised regulation achieves these objectives.

Section 2.10 *Camping and food storage.* The existing regulation on camping (§ 2.5) establishes procedures for this activity in designated areas, and provides for a permit system that may be required for persons camping in the backcountry or other isolated sections of the park. The major provisions in the current regulation include limitations on the length of time a person may camp, a prohibition against the installation of permanent camping facilities and digging or leveling the ground at any campsite, and a requirement that park users refrain from creating unreasonable noise between the hours of 10:00 p.m. and 6:00 a.m.

The revised camping regulation (§ 2.10) adopts most of the provisions of the present § 2.5, with only minor changes necessary to clarify procedures or conform to the new general permitting (§ 1.6) and designation (§ 1.7) processes. Some paragraphs in the current camping regulation, however, are proposed for deletion because adequate authority exists elsewhere to cover these situations. Provisions that are dropped include: the limitation on the length of time a person may camp (covered under the proposed § 1.5 and the definition of "public use limit"); prohibition against the installation of permanent camping facilities (covered under the proposed § 2.1 and the prohibition in the revised camping regulation against digging and leveling the ground); and the restrictions on the gathering of wood for use as fuel in campgrounds or picnic areas (covered under the proposed § 2.1). The Service has added a new paragraph (b)(6) which prohibits persons from connecting to a utility system, except in designated areas. This addition was deemed necessary to prevent the inappropriate use of facilities that were not intended for this purpose. This has been identified as a problem in many park areas.

The Service is seeking specific comments on two provisions in the revised camping regulation that were carried over from the current regulation. The first is the established "quiet" hours in campgrounds. While the Service has retained the hours 10:00 p.m. to 6:00 a.m., it would like public comment on whether these hours are still realistic. The second provision is the retention of the prohibition against the use of a campsite within a park as a base for hunting outside of the park area. Is there a need for this provision in the revised camping regulation? Is this a particular problem in any park area?

The major addition to the proposed § 2.10 is paragraph (c) which gives all superintendents the authority to designate locations in which food storage requirements will be in effect. The Service believes this authority is needed to reduce wildlife problems. Inclusion of the food storage requirement authority in this general regulation will allow a number of parks to eliminate special regulations with these requirements. These are parks in which camper-bear incidents have proven to be a problem. With this authority in a general regulation, the superintendents of all parks will have the ability to use this means of reducing the opportunity for bears or other wildlife to obtain food from campers. Since imposing food storage requirements will no longer require special regulations, they can be applied as needed in any park.

Section 2.11 *Picnicking.* Section 2.18, the current regulation on picnicking, prohibits this activity in natural and historical areas, except in designated locations, and generally allows it within recreational areas. It also authorizes the superintendent to establish time limits for picnicking.

The proposed revision (§ 2.11) removes the reference to natural, historical and recreational categories of parks, and establishes a single standard for all National Park System areas. The basic rule allows picnicking, but superintendents have the authority to close areas or restrict picnicking. The authority to establish time limits for this activity has been deleted because it is covered in the proposed § 1.5.

The Service is proposing to relax this restriction because it recognizes that picnicking is an activity that is enjoyed by many park visitors, and that it has little, if any resource impact. In those parks, or portions of parks where picnicking would be inappropriate, *i.e.*, battlegrounds, cemeteries, the superintendent has the authority to restrict picnicking or close areas to this activity.

Section 2.12 *Audio disturbances.* This regulation (§ 2.12) represents a revision to and combination of the existing §§ 2.3 and 2.19. The current § 2.3 establishes restrictions on the use of audio devices and prohibits the installation of aerials or antennas unless authorized by the superintendent. Another provision prohibits the operation or use of a public address system unless it is in connection with a public gathering or special event for which a permit has been issued. Section 2.19 prohibits the use of portable engines and motors outside of developed areas without the written permission of the superintendent.

The proposed revision separates those audio devices which may, under certain circumstances, be utilized in the exercise of First Amendment rights from those devices which are merely noise-producing. Paragraph (a)(4), therefore, allows public address systems to be used in conjunction with a Special Events (§ 2.50) or Public Assemblies (§ 2.51) permit. All other noise-producing devices are covered under paragraph (a)(1) which establishes 85 as the decibel level that cannot be exceeded.

Paragraph (a)(2) authorizes the operation or use of a power saw by permit or in areas and at times designated by the superintendent. The permit will specify the hours of use and any other restrictions. Any permits issued under this section will be in accordance with the criteria established in the proposed § 1.6.

The Service is proposing to delete paragraph (c), which prohibits the installation of aerials and antennas, from the existing § 2.3. It is felt that the provisions of the existing § 5.13 (nuisances) are adequate to regulate these hazardous conditions. The Service considered, but decided not to include in this regulation, a provision establishing hours for the running of generators in campgrounds. It is felt that adequate authority to regulate this use is contained in the proposed § 1.5, and the definition of public use limit.

Section 2.13 *Fires.* The existing regulation (§ 2.12) establishes specific conditions for the lighting of fires. In developed areas, fires are restricted to fireplaces, grills, or other specific locations. Fires in the backcountry are controlled by permit. Fires must be lighted in a safe manner and completely extinguished when no longer needed. Leaving a fire unattended is prohibited. Section 2.12 also gives the superintendent the authority to prohibit smoking during certain times, in certain areas, by the postings of signs.

The revised fire regulation (§ 2.13) reorganizes the provisions of the present § 2.12, without significant change. The Service does *not* intend that paragraph (a)(1) apply to stoves and lanterns. Paragraph (a)(2) deals with this use. However, paragraph (b) contains a new authority which allows superintendents to prescribe acceptable means of extinguishing a fire and disposing of ashes and other burned material. The Service believes that the ability to regulate fire extinguishing and cleanup procedures will protect resource values

in many circumstances. In some situations, burying may be acceptable and practical; in others, water should be used. Restrictions can be tailored to individual park conditions in order to prevent wildfires. Also, in some park areas proper resource protection requires that ashes and other traces of fire be removed or dealt with in some other manner.

Paragraph (c) of the proposed regulation makes all of these fire restrictions applicable to privately owned lands under the legislative jurisdiction of the United States. The existing rule provides that on such lands fires could be restricted during times of high fire hazard, but other controls did not apply. The Service believes this additional authority is necessary because fires on privately owned lands not subject to these controls could spread to threaten park lands or endanger resources, persons or property on other private lands.

Section 2.14 *Sanitation and refuse.* The existing regulation (§ 2.24) establishes requirements for the disposal of waste materials and rubbish. Some of its major provisions include prohibitions against draining or dumping refuse, cleaning food or washing clothing or household articles at campground hydrants, and polluting or contaminating watersheds or water supplies. Additionally, this regulation establishes procedures for the disposal of human waste.

The revised rule (§ 2.14) reorganizes the provisions of the present § 2.24, without significant change. The sections relating to disposal of human body waste are separately treated, and a distinction is made between procedures to be followed in developed and nondeveloped areas. Additionally, the superintendent is given authority to establish procedures concerning the disposal, containerization, or carryout of human waste. This reorganization will clarify the requirements of the existing regulation and provide the superintendent with needed authority to ensure that human body waste is disposed of in a sanitary manner.

The intent of paragraph (a)(5) is to prohibit washing of the body at public water outlets and to keep food or soap residue out of water supplies that are used for drinking and cooking purposes.

Section 2.15 *Pets.* The present regulation (§ 2.8) establishes procedures for the control of dogs, cats and other pets within park areas. It prohibits residents of parks from keeping pets unless authorized by the superintendent, and allows the use of dogs in park areas where hunting is permitted.

The revised rule (§ 2.15) makes some minor additions to the existing regulation. A maximum leash length of six feet is specified. This is identical to that established by other Federal agencies (Forest Service, Corps, of Engineers) and is the most reasonable length to be used—both to give the pet some leeway and to reduce the hazard of tripping. Another provision prohibits leaving a pet unattended and tied to an object, except in designated areas or under conditions established by the superintendent. This prevents an owner from leaving a pet tied to a car for several hours in a hot parking lot, but also gives the superintendent some flexibility to allow pets to be tied and left unattended in areas where this is established as acceptable, such as pet hitching posts.

Another new provision is paragraph (a)(4) which prohibits unreasonable pet noise. Excessive barking or howling often disturbs park visitors and poses a threat to wildlife. Paragraph (a)(5) gives the superintendent the authority to prescribed procedures for pet excrement disposal. This has been identified as a particular problem in urban park areas. Pets may now be kept by residents of park areas in accordance with procedures established by the superintendent. All of these minor additions and changes should provide for safer and more orderly conditions in areas where pets are common.

A final addition to the proposed § 2.15 provides the Service with impoundment authority, including fee and disposal provisions. Impoundment authority will formalize a process which has been in effect in most parks as a matter of necessity. The government will be able to recover expenses incurred in the impoundment process, and parks will have clear authority to dispose of unclaimed animals relatively quickly, instead of treating them in the same manner as other abandoned property.

Section 2.16 *Horse and pack animals.* The present regulation establishes procedures for the use of horses and pack animals in park areas, including requirements on where theses animals can be used and how they are to be handled when near park visitors or in developed areas.

The proposed regulation (§ 2.16) makes minor organizational and wording changes to the existing rule. The superintendent is given some leeway in designating other animals (in addition to horses, burros and mules) as pack animals. In some western parks, llamas, for example, have been used for this purpose. Dogs, however, may not be designated as "pack animals." This ban on taking dogs into nondeveloped areas is a carryover from the existing regulation § 2.8(b). The Service believes that a dog, because of its loyalty to an owner and strong inclination to protect personal possessions, is inappropriate in nondeveloped areas, particularly on trails, whether there as a pet or "pack" animal. Dogs interact, often unfavorably, with park visitors and other wildlife.

Another addition to § 2.16 prohibits the free trailing or loose herding of horses and pack animals on trails. The Service believes that this provision will protect vegetation and other resources along trails and promote the safety of pedestrians on these trails. Unacceptable trail widening will be reduced if horses and pack animals are tightly controlled. Paragraph (g) gives the superintendent the authority to prescribe conditions concerning the use of horses and pack animals. Individual managers may need special procedures to deal with a particular situation in their park, *i.e.*, keeping horses/pack animals out of campgrounds, or designating entire campgrounds for their use, establishing requirements for the hitching of these animals (in order to protect trees and other resources), or developing guidelines for the use of stock feed in park areas.

One requirement, paragraph (c) of the present regulation (§ 2.23) has been deleted. This deals with licensing of horse party guides by State agencies or the Service. In instances where special conditions merit licensing of guides, this can usually be best accomplished through an administrative requirement (*see* § 5.3). Since such activities usually fall within the realm of commercial operations which require some type of contract or permit from the Service, with appropriate restrictions and conditions, guide licensing can be made an operational requirement. For instances outside such a relationship, paragraph (g) of the proposed rule (§ 2.16) contains adequate authority to establish a license requirement.

Section 2.17 *Aircraft and air delivery.* The existing regulation limits operation and use of aircraft to designated areas and generally prohibits the air delivery of persons or property. In addition, the existing regulation requires that aircraft be operated in accordance with current FAA regulations. It should be noted that the assimilation of FAA regulations is intended to govern aircraft which are operating on lands and waters of the National Park System. Control of airspace, however, is the prerogative of the FAA.

The proposed revision maintains the same controls over aircraft as are in

§ 2.2 of the present regulations. However, through expansion of the definition of the term aircraft (§ 1.4(a)(4)) these controls have been expanded to include ultralight aircraft and powerless flight.

The inclusion of powerless flight activites under this regulation will simplify the administration of these activities and introduce greater uniformity in dealing with air delivery activities.

The revision of paragraph (a)(1) eliminates the need for the superintendent to designate landing areas through the publication of special regulations. This will now be accomplished in the same manner as other designations implemented pursuant to §§ 1.5 and 1.7.

Paragraph (d) is a new provision which sets forth procedural guidelines for the removal of aircraft that crash or otherwise land in parks under conditions which prevent them from taking off. The Service developed a similar regulation for the National Park System units in Alaska. Public notice and comment indicated that the regulation was appropriate and necessary. The National Park Service intends that downed aircraft be treated on a case-by-case basis. Where the removal operation would present a significant risk to human life, result in extensive resource damage, or otherwise be impracticable or impossible, waiver of removal requirements is appropriate. Factors such as the condition and size of the downed aircraft, season, as well as the relief, elevation and vegetation of the surrounding terrain will be controlling in this analysis. In determining the times and means of removal to be specified in a permit when removal is required, these factors will be equally controlling.

Finally, this section would prohibit any attempt to salvage, remove, or possess a downed aircraft without a permit from the superintendent. The intent here is to protect the aircraft and its valuable and easily removed component parts from being appropriated without authorization by the owner, and to provide resource protection through appropriate removal techniques. Except in instances provided in § 2.17(c), it also prohibits aircraft removal outside of the permit system.

Section 2.18 *Snowmobiles.* Section 2.34, the existing regulation on snowmobiles, provides requirements for registration, use, and vehicle suitability. This regulation also includes sections on prohibited operations and speed. The proposed regulation on snowmobiles (§ 2.18) has undergone extensive revision. Paragraph (a) adopts all sections of 36 CFR Part 4 (Vehicles and Traffic Safety) which logically should apply to snowmobile operation. This adoption relieves the Service of the necessity for writing a separate section as snowmobile safety. Also adopted are State laws pertaining to snowmobiles. Adoption of State laws will improve public awareness of acceptable operating conditions by conforming to generally accepted restrictions applicable outside the parks.

Paragraph (c) establishes a new regulatory scheme for determining where snowmobiles can be used. This conforms to the present Service management policy on this subject. By requiring that permissible snowmobile use locations be designated by special regulations, the new regulation provides for public participation in the designation process. The detailed procedural guidelines for route designations contained in the present regulation have been deleted; designations will be guided by the general provisions of the proposed § 1.5, which are used in making determinations on a variety of other activities in parks.

By conforming the regulation dealing with route designation to existing Service policy, this revision will provide a greater degree of Servicewide uniformity and lessen the possibility of conflicts with statutory mandates. The wording of this regulation will preclude the designation of land areas, as opposed to land routes and cross-country routes, as available for snowmobile use. Both actions are allowed by the present regulation but are contrary to Service policy.

Public participation in the rulemaking process required for designations will result in all relevant factors being considered.

A standard for permissible noise levels has been placed in paragraph (d)(1). This standard is based upon accepted industry standards and those adopted by many states. Noise standards will help to mitigate the most widely cited adverse impact of snowmobiles upon the resources of park areas. Conflicts with other uses will be reduced if noise levels are held to these standards.

Some changes have also been made in the restrictions on snowmobile operation by people under 16 years of age. Paragraph (e)(1) requires that a person under 16 years of age operating a snowmobile be accompanied and supervised within line of sight. This is meant to cover situations where either one or two snowmobiles are involved. The Service believes that safety aspects of snowmobile operation will be improved by the application of additional traffic controls and restrictions on operation of these vehicles by underage operators.

Section 2.19 *Winter activities.* The current regulation (§ 2.33) contains procedures governing winter sports activities in park areas. It prohibits these activities on roads and in parking areas which are open to motor vehicle traffic. The regulation allows the towing of persons on sleds or skis only in designated locations. These prohibitions and/or restrictions are made known to the public by signing or marking on a map.

The revised rule (§ 2.19), except for minor organizational and word changes, substitutes the designation procedures of the proposed § 1.7 for the signing and mapping requirements in § 2.33. This provides the superintendent with flexibility in selecting the manner in which the public will be notified. One other change is proposed as an exception to the prohibition against the towing of persons on skis, sleds or sliding devices, except in designated areas or routes. Sleds designed specifically to be towed behind snowmobiles, and which are joined to the snowmobile with a rigid hitching mechanism, are exempt. The Service believes that these vehicles do not present safety problems and that prohibiting such use is inappropriate.

Section 2.20 *Skating, skateboards and similar devices.* The present regulation (§ 2.26) prohibits these activities, except in locations designated by the posting of appropriate signs.

The proposed regulation (§ 2.20) expands the coverage of this prohibition to roller skis, coasting vehicles, or similar devices. The number and types of these devices have proliferated over the past few years, and at the present time, the Service has no authority to regulate them. An additional change in this rule is the substitution of the designation procedures of the proposed § 1.7 for the signing requirement. This provides the superintendent with flexibility in selecting the method of designation and the manner in which the public will be notified. The superintendent, through this process, may designate residential areas within parks as open to these activities.

Section 2.21 *Smoking.* The current on smoking (§ 2.38) specifically pertains to smoking in caves and prohibits such activity when radiation monitoring indicates a need to do so. The public is notified of these restrictions through the posting of signs and through verbal

notification during orientation programs prior to cave tours.

The proposed revision (§ 2.21) combines the present § 2.38 with paragraph (f) of the present § 2.12, while providing superintendents with additional authority for the control of smoking. All reference to radiation levels as a standard for closing caves to smoking has been eliminated; all caves are now closed to smoking for both health and resource protection reasons.

The original regulation on smoking in caves (§ 2.38) came about as a result of studies linking natural radiation levels in caves and mines with smoking as a possible cause of lung cancer. Further consideration of this matter led to the conclusion that smoking in caves was a threat to natural resources in all cases, as well as being a health hazard in some situations. Therefore, the radiation level reference has been deleted.

Under the present regulations, the Service has invoked the authority to close locations other than caves to smoking to prevent fires, during times of high fire hazard. However, the National Park Service feels there is a need for this authority to be available for other situations within the parks. For example, the Service would consider implementing this authority in auditoriums where large groups of people are gathered for a sustained period of time. Paragraph (a) of this new regulation gives superintendents this authority, which will be exercised when necessary to protect park resources, reduce the risk of fire, or prevent conflicts among visitor use activities.

Any closures will be undertaken in accordance with the procedures outlined in the proposed § 1.5.

Section 2.22 *Property.* The proposed regulation combines the provisions of existing § 2.1 relating to the period of time property may be left unattended and § 2.17 which requires that all found property be turned in to the superintendent.

The section contains several new revisions relating to the impoundment and disposition of property. First, a 60-day holding period is established for found property unless State law stipulates otherwise. After 60 days, the property may be claimed by the finder. If the finder does not want the property or the finder is ineligible to receive the property, as in the case of Service employees, then the property is presumed abandoned and disposed of in accordance with existing Federal property management regulations.

In addition, the superintendent is authorized to impound property and charge a fee for the cost of storage and impoundment. As an alternative to the National Park Service bearing the cost of impoundment, the proposed regulations require the owner to pay the impoundment fees.

A new paragraph (f) has been added to ensure that in areas of exclusive Federal jurisdiction where State civil law relating to the disposition of property does not apply that all property will be disposed of in accordance with State law.

Section 2.23 *Recreation Fees.* Present regulations governing recreation fees are found in 36 CFR Part 6 (Miscellaneous Fees). Section 6.1(b) in the existing regulations provides superintendents with general authority to suspend fee collection during certain periods. The present § 6.5 prohibits persons from entering designated entrance fee areas or using specialized sites or facilities, without paying the required fee, or possessing the required permits.

The proposed § 2.23 transfers and combines the existing §§ 6.1 and 6.5. The Service believes that these regulations, which are based upon the requirements of the Land and Water Conservation Fund Act of 1965 as amended, and are applicable to visitor use, are more appropriate in Part 2.

A new provision has been added as paragraph (a) in order to provide a cross reference to the Department of the Interior regulations which govern the establishment of recreation fees in areas of the National Park System. Paragraphs (b) and (c) of § 2.23 contain the wording of § 6.5 and § 6.1(b), with minor wording changes.

Section 2.30 *Misappropriation of property and services.* The proposed regulation is a complete revision and amplification of the elements currently found in existing § 2.29, tampering and unlawful possession, and § 2.14, fraudulently obtaining accommodations. Experience has shown that the existing regulations do not adequately address many of the incidents that occur in park areas. The proposed regulations are designed to enhance the ability of the Service to protect personal property and recover stolen property. In that regard, two new provisions not found in the current regulations have been developed. The first, paragraph (a)(4), deals with shoplifting through the concealment of merchandise by means such as paying less than the purchase price by switching price tags or concealing smaller sized goods inside of larger sized items. The second provision, paragraph (b), makes this regulation applicable to privately owned lands under the legislative jurisdiction of the United States. This will allow the Service to provide assistance and service to businesses or others that suffer a loss of property or services within park areas.

Section 2.31 *Trespassing, tampering, and vandalism.* The proposed regulation consists of three basic provision. The first provision, paragraph (a), prohibits trespassing upon property, including real property, not open to the public. This provision is similar to State trespassing statutes. While most of the building, lands, and facilities within park areas are open to the visiting public, various buildings, facilities, vehicles, or vessels located within park areas are privately owned and not open to the general public. Paragraph (a) will prohibit the unauthorized entry or occupancy of property not open to the public. This provision shall be applicable to the privately owned lands under the legislative jurisdiction of the United States. By extending this provision to privately owned lands, the Service hopes to provide better protection service to these lands and structures. The second provision of this regulation is a restatement of one of the elements currently found in § 2.29 relating to tampering with property. The text is essentially the same. The separation of this element from the existing regulation will clarify the intent of the regulation and ensure proper application.

The third provision of the regulation prohibits vandalism within park areas. The text of the regulation consists of several of the elements currently found in § 2.20, preservation of natural features. The scope of the regulation is limited to property or real property. Historical, natural, and cultural resources are adequately protected by § 2.1.

Section 2.32 *Interfering with agency functions.* The proposed regulation consists of the elements of one existing regulation found at § 2.10, false report, and three new provisions. The first provision, paragraph (a), prohibits resisting, intimidating, threatening, or interfering with government employee engaged in an official duty. This provision is necessary to ensure that government operations proceed without interference. Several of the elements in paragraph (a) are currently found in 18 U.S.C. 111. Codification as a petty offence will permit prosecution in those not serious enough to merit prosecution under Title 18. The second provision requires obedience to the lawful order of a government employee during emergency operations such as firefighting, search and rescue, law enforcement, or wildlife management operations involving animals that pose a

threat to public safety. This provision is similar to various State statutes that invest a degree of authority in those persons in charge of public safety operations during an emergency situation.

The third provision, subparagraph (3), incorporates the existing false report regulation currently found at § 2.10.

The fourth provision prohibits the giving of a false report to a government official in the conduct of official duties and prohibits making a false report that results in a response by an employee or agent of the United States.

Section 2.33 *Report of injury or damage.* The existing regulation (§ 2.22) requires the reporting of all incidents resulting in injury to persons or damage to property. Except for minor word changes and renumbering (§ 2.33), this regulation remains the same. This section cross-references the reporting requirements of §§ 3.4 (boating accidents) and § 4.15 (motor vehicle accidents). This regulation also requires the reporting of injuries to persons or animals caused by a pet.

Section 2.34 *Disorderly conduct.* A frequently used regulation is Disorderly Conduct, § 2.7 of the existing regulations. The proposed revision of this regulation is designed to accomplish two objectives: (1) Eliminate potentially unconstitutional language in the existing regulation (by replacing terms such as "annoy" and "inconvenience" with more precise concepts); and (2) Provide a clear guide to agency enforcement action.

Paragraph (b) sets forth the elements of the type of conduct prohibited in paragraph (a). It indicates that disorderly conduct is committed when a person engages in the actions described in paragraphs (1)-(4) with the intent to cause public alarm, nuisance, jeopardy or violence. It also establishes that such a violation occurs if the actor undertakes these actions with knowledge of, or reckless disregard for, the fact that the action performed in creating, or is likely to create, a risk of public alarm, nuisance, jeopardy or violence.

The harms which the regulation seeks to avoid are commonly understood. "Violence" presents no definitional ambiguities. The concept of "jeopardy" is meant to apply to situations or hazards which threaten physical harm or injury. The term "nuisance" is meant to be construed in accordance with its commonly accepted legal definition. For purposes of this regulation, the definition set forth in *Blacks Law Dictionary* is instructive: "That class of wrongs that arise from the unreasonable, unwarrantable, or unlawful use by a person of his own property, either real or personal, or from his own improper, indecent, or unlawful personal conduct, working an obstruction of or injury to the right of another or to the public, and producing such material annoyance, inconvenience, discomfort, or hurt, that the law will presume resulting damage." *Blacks Law Dictionary* (5th ed. 1979). "Public alarm" is meant to prohibit actions which will produce an apprehension of danger or excite with sudden fear.

The categories of conduct prohibited by paragraphs (1)–(4) are also well-defined and properly confined. Paragraph (1) prohibits violent physical acts. Paragraph (2) has been drafted to fully provide for protected speech activities while forbidding actions which are obscene, physically threatening, or constitute "fighting words"—those which result in a "clear and present danger" of violence or physical harm. Paragraph (3) prohibits the making of "noise" which, considering all pertinent factors, is "unreasonable." A "prudent" person standard must be applied to determine violations of this provision. The intent is to establish a flexible standard which would prohibit one class of noise-producing activity in, for example, a parking lot during the day and another in a backcountry campsite during the night. Implicit in the concept of "reasonableness" is an adverse impact on other park users or park resources. The final category of prohibited acts, paragraph (4), has been carried over from the existing regulation. It is intended to cover actions such as rock throwing, trail feature modifications, and other types of hazardous acts which will generally involve physical structures, objects or obstructions.

Section 2.35 *Alcoholic beverages and controlled substances.* This proposed rule combines two existing regulations, §§ 2.16 and 2.37. The present § 2.16 pertains to the use, sale and possession of alcoholic beverages within parks. Section 2.37 relates to the delivery and possession of controlled substances.

The proposed revision (§ 2.35) contains the substance of existing §§ 2.16 and 2.37 with the addition of two additional provisions. Paragraph (a)(6) prohibits the possession of open containers of alcoholic beverages in motor vehicles. The Service intends this subparagraph to pertain to parked, as well as moving, vehicles. The open container prohibition will help to avoid safety hazards created by drinking while driving. A similar provision appears in many State codes. The Service, however, is seeking specific comments from states on the inclusion of this provision in its regulations.

Paragraph (b) gives the superintendent authority to close public buildings and parking lots, or portions thereof, to the consumption of alcoholic beverages. Such closure must be based upon one of two determinations: (1) That the consumption of alcohol would be inappropriate considering the purpose of the park area and the dignity or atmosphere to be maintained; or (2) That incidents of aberrant behavior related to the consumption of alcohol are of such magnitude that the fair, impartial and diligent application of §§ 1.5 (public use limit), and 2.34 do not alleviate the problem.

The authority to close facilities to drinking will, while placing some restrictions on visitor use, allow superintendents to take steps to eliminate activities which threaten resources and facilities or their use by the public. For example, while beer drinking may be appropriate in a picnic pavilion, it is likely to be unacceptable in an historic home. Experience in parks and elsewhere has shown that alcohol is often the catalyst for large, disruptive gatherings which result in damage or which prevent use by others for more legitimate purposes. This limited closure authority will allow superintendents to prevent these disruptive events from occurring. However, any broader closures than those specifically mentioned in this regulation must be accomplished as a separate rulemaking with full public participation.

Paragraph (a) of the proposed § 2.35 prohibits the presence in a park area when under the influence of alcohol or a controlled substance to a degree that may endanger oneself or another person, damage park resources, or impair public use facilities. Currently, the controlled substance and alcohol regulations are codified separately. Will the combination of these two offenses into one compromise the ability of the United States to prosecute persons under the influence of alcohol or controlled substances within park areas?

Section 2.36 *Gambling.* The existing regulation (§ 2.15) prohibits gambling or the operation of gambling devices within park areas. Except for renumbering (§ 2.36), this regulation remains unchanged. However, the Service is seeking specific comments on whether, in view of existing State law in this area, this regulation is needed at all.

Section 2.37 *Noncommercial soliciting.* The present regulation (§ 2.4) is entitled "Begging and Soliciting" and deals with three separate activities:

begging, hitchhiking and commercial soliciting.

The proposed § 2.37 prohibits asking for or demanding gifts, money, goods or services except in accordance with the terms and conditions of a permit issued under §§ 2.51 or 2.52. The Service is proposing to substitute "soliciting" for "begging." Although the terms are similar, it is felt that soliciting is somewhat broader and will address non-verbal gestures, such as a hand out or palm up. The addition of the words gifts, money, goods or services provides a better understanding of the nature of the activities which are prohibited. This regulation is not intended to prohibit collection of money or goods which takes place as an integral part of any activity for which the superintendent has issued a permit.

Paragraph (b) of the present regulation (§ 2.4) prohibits hitchhiking. The Service is recodifying this provision as § 4.22 pending a comprehensive analysis of 36 CFR Part 4 regulations on vehicles and traffic safety.

Examination of paragraph (c) of the present § 2.4 has led the Service to conclude that it deals with a commercial activity which is already adequately regulated under 36 CFR § 5.3. This regulation requires a permit or contract in order to engage in or solicit any business in park areas. Accordingly, paragraph (c) has been dropped from the proposed regulations entirely.

Section 2.38 *Explosives.* Present regulations (§ 2.9) prohibit the use or possession of explosives, fireworks or firecrackers except upon the written permission of the superintendent.

The proposed (§ 2.38) maintains this prohibition, unless a permit has been issued in accordance with the criteria and requirements of the proposed § 1.6. In the case of fireworks, the superintendent may designate areas and prescribe conditions for their use. The superintendent, for example, may choose not to require a permit for use of sparklers on the 4th of July, but might simply designate a certain area and issue specific guidelines for their use.

The addition of the words storing, transporting, and blasting agents to paragraph (a) provides a better understanding of the nature of the activities, and types of explosives that are prohibited. As in the current regulation, all use of explosives and fireworks, when permitted, must be in accordance with applicable State law.

Section 2.50 *Special events.* Current regulations (§ 2.27) require a permit for the holding of special events (pageants, regattas, entertainments). It also authorizes the superintendent, as a condition of permit issuance, to require a bond to cover restoration, rehabilitation and cleanup costs.

The proposed § 2.50 has been revised to include procedural guidelines for permit applications, time limits for submission of applications and issuance of permits, designation of areas available for special events, and standards to be applied in denying permits. If the special event will cause injury or damage to park resources, provide a clear and present danger to public health and safety, result in significant conflict with other existing uses, unreasonably impair the area's atmosphere of peace and tranquility, unreasonably interfere with Service program activities, or substantially impair the operation of public use facilities or services of National Park Service concessioners or contractors, then the permit will be denied. The Service believes these are reasonable criteria to apply to any request for a special event permit to ensure public safety and protection of park resources. The guidelines will also make the permitting process more uniform Servicewide, reduce the discretionary power of superintendents to deny permits without good cause, and require timely processing of permit requests.

Another addition is an authority in paragraph (c)(2) to require that a permittee acquire liability insurance. The addition of liability insurance as a requirement for a special event permit which may be invoked by the superintendent will provide an additional mechansim by which the government can be protected against liability claims arising out of a special event.

Section 2.51 *Public assemblies, meetings.* The existing regulation (§ 2.21) provides guidance for the conduct of public meetings, assemblies, and other public expressions of views. These activities are allowed within park areas provided a permit has been issued by the superintendent. Procedural guidelines for permit issuance and denial are included.

The proposed revision (§2.51) modifies the existing rule by including more specific guidelines for use in determining what areas in a park are available for activities of this type. These guidelines are those which have been found effective in the administration of similar activity, the sale and distribution of printed matter. Paragraph (b) states that permit applications must be submitted so as to reach the superintendent at least 48 hours in advance of the proposed event. A provision has also been added in paragraph (c) to require action on a permit request within 48 hours.

The primary effect of the revision will be to limit agency discretion and provide for more uniform handling of permit requests. The time limits are being specified to ensure that applicants are not denied an opportunity to engage in these activities by inaction or indecision on the part of the Service.

The zones mentioned in subparagraph (d) (2) are identified in the park's general management plan, which is available in the superintendent's office. These zones were changed from the existing § 2.21 to comply with changes in Service planning procedures.

Section 2.52 *Sale and distribution of printed matters.* The existing rule (§ 2.39) provides guidance for the sale and distribution of printed matter. These activities are allowed within park areas provided a permit has been issued by the superintendent. Procedural guidelines for permit issuance and denial are included.

The only revision in the proposed regulation (§ 2.52) is the addition of time limits to paragraphs (b) and (c). Paragraph (b) states that permit applications must be sumitted so as to reach the superintendent at least 48 hours in advance of the proposed sale or distribution. A provision has also been added in paragraph (c) to require action on a permit request within 48 hours. These changes will ensure that the Service receives applications for enough in advance to properly consider them and that applicants are not denied an opportunity for a permit by inaction or indecision.

The zones mentioned in paragraph (d)(2) are identified in the park's general management plan, which is available in the superintendent's office. These zones were changed from the existing § 2.39 to comply with changes in Service planning procedures.

Section 2.60 *Grazing and agriculture.* This proposed rule combines elements of existing regulations § 5.11 and § 5.16. Section 5.11 regulates animal trespass within park areas and gives the superintendent impoundment authority. It also provides for the disposal of unclaimed animals in the absence of applicable State statutes.

Section 5.16 provides for the use of park lands for herding, grazing or agricultural purposes only under a valid lease, contract or special use permit.

The revised § 2.60 combines these two regulations, with minor organizational and wording changes, and proposes their placement in Part 2, which pertains to resource management and public use. The major change made in the proposed §2.60 is the substitution of the term "livestock," which is more specific, for

animal. The term "livestock" is defined in § 1.4(a)(20).

Section 2.61 *Residing on Federal lands.* The present regulation (§ 5.15) prohibits residence in park areas except in accordance with a permit or other written agreement.

The proposed rule (§ 2.61) is moved into Part 2 with minor organizational and wording changes. Since 36 CFR Part 5 deals specifically with commerical regulations, the Service believes that this regulation is more appropriate in Part 2. The major change to the existing § 5.15 is the exclusion from this prohibition of persons residing on private lands. This is added for purposes of clarification.

Section 2.62 *Memorialization.* The existing rule (§ 5.12) prohibits the installation of memorial structures or objects without permission of the Director.

The proposed § 2.62 in paragraph (a) adopts the existing §5.12 without significant changes. Paragraphs (b) and (c) establish procedural guidelines on the scattering of human ashes, a subject on which present regulations are silent. Superintendents will be able to require a permit to scatter ashes, or can designate areas where a permit is not required. Authority is included to restrict this activity as may be necessary.

This will establish a basis for controlling the scattering of human ashes to prevent possible conflicts with other park uses. The regulation will alleviate the present lack of a clear determination as to whether or not this is a permissible activity. However, the Service is specifically inviting comments on the need for the provision, and a permit or area designation requirement for the scattering of human ashes.

Symbolic Signs: Section 2.35 of the existing regulations provides general information on signing within park areas. The Service is proposing the deletion of this entire section from 36 CFR. The Service is specifically concerned about the effect the deletion of these signs from Title 36 will have on their legal standing, since the signs will continue to be used as a means of designation in accordance with the provisions of the proposed § 1.7.

Part 3

Applicability and Scope: These regulations deal with documentation, registry, enrollment, licensing, and numbering of vessels; compliance with rules to prevent collisions, and equipment requirements. They have been revised to maintain and improve high safety standards, protect boat owners and their passengers, and other users and their respective property.

The object of these proposed rules is not only to enforce "safety on water" requirements, but also to encourage operational practices, navigational methods, and water use which contribute to the promotion of safety for the park visitor.

Section 3.1 *Applicable regulations.* This regulation was revised to adopt United States Coast Guard regulations and promote uniformity and reciprocity of boating regulations between states and the Federal government.

It reduces the number of duplicative laws and regulations, many of the regulations or requirements currently found in Part 3 are not expressly included in the proposed rules. Instead, Service personnel and the boating public will be required to consult the appropriate U.S. Coast Guard regulations. This provision, while eliminating duplicative regulations, may result in some inconvenience since many of the applicable Coast Guard regulations are codified in several volumes of the Code of Federal Regulations. For the purposes of the comment period on the proposed rule, the National Park Service is merely referencing the Coast Guard Regulations. The Service reserves the right to reprint in the final rule, those Coast Guard regulations which are deemed essential. The Service invites specific comments on the pros and cons of codifying commonly used Coast Guard regulations in 36 CFR Part 3, or merely adopting them by cross reference to the Coast Guard regulations. The Service requests information on which Coast Guard regulations are most appropriate for application in National Park Service areas.

This proposed rule recognizes the United States Coast Guard laws and regulations as the guiding Federal standard for boating, but provides ability to enforce State or National Park Service regulations where there is specific need.

Section 3.2 *National Park Service distinctive identification.* This is a new regulation in Part 3 which sets forth the definitive specifications for a new National Park Service distinctive marking system. The distinctive markings comply with 41 CFR 114.38–5507; and section 4(c)(3) of the "Federal Boat Safety Act of 1971," which require agency identification of certain watercraft. This method of identification will become uniform throughout the Service.

Of paramount importance, under this proposed rule, is the ease with which the boating public will now be able to recognize National Park Service watercraft, and especially important factor in life-threatening situations. This provision is not intended to apply to those vessels whose design or manufacture makes compliance impossible or impracticable.

Section 3.3 *Permits.* In order to ensure that the boating public is aware of hazards and special conditions which exist in park areas, in many cases it is the practice to issue a non-fee permit describing area policy, equipment requirements, closures or restrictions, and special hazards. The existing regulation has been revised by eliminating reference to area designations. This authority is adequately provided under §§ 1.5 and 1.7.

Section 3.4 *Accidents.* This revised regulation requires persons involved in a boating accident or other casualty to file a report with the superintendent within 24 hours. This reporting responsibility lies with the operator(s) of the vessels involved. However, in the event the operator(s) is unable to file a report, this responsibility is shared by other persons on board the vessel(s).

Section 3.5 *Inspections.* The proposed regulation incorporates, with minor wording changes, the existing § 3.18 Inspections. Paragraph (b) of the proposed rule incorporates authority currently existing under Coast Guard regulations and is necessary to ensure compliance with safe boating practices.

Section 3.6 *Prohibited operations.* This revised rule deletes sections specifically covered by United States Coast Guard regulations and/or addressed by the proposed § 1.5. Minor word and organizational changes have been made in an effort to incorporate consistent language and terminology.

Section 3.7 *Noise abatement.* This existing regulation is currently found in § 3.14(1) (Muffler Requirements). The proposed revision (§ 3.7) establishes a standard of 82 decibels and provides a penalty for exceeding that standard. Additionally, the regulation establishes procedures that will be employed to determine such noise levels.

Section 3.20 *Water skiing.* This proposed revision, with minor wording and organizational changes, recodifies existing § 2.31 as § 3.20. This was done because the Service believes that this regulation more appropriately belongs in Part 3, Boating and Water Use Activities. The proposed regulation deletes the prohibitions currently assigned by management categories and provides that designations will be implemented in accordance with §§ 1.5 and 1.7.

Swimming, Surfing and SCUBA: The current § 2.28 has been recodified into

three separate sections: § 3.21 Swimming and Bathing; § 3.22 Surfing; and § 3.23 SCUBA and Snorkeling. As proposed, § 3.21 relaxes the requirement for anchoring prior to swimming. In many areas, such as large inland reservoirs, anchoring in many places is impossible because of water depth and/or sheer canyon walls. Similarly, swimming from a drifting vessel on a calm stretch of river, or even through moderate rapids with life jackets, is an acceptable practice.

Closure of areas to swimming, SCUBA Diving and surfing activities are adequately covered by the proposed §§ 1.5 and 1.7. The proposed § 3.23 gives the superintendent authority to allow SCUBA activity in formerly restricted areas. Finally, the introduction of a standard diver flag was included as a requirement to afford added protection to those visitors engaged in diving activities.

Section 7.100 *Appalachian National Scenic Trail.* Existing regulations found in § 2.30 deal with allowed and prohibited uses on the Appalachian and Pacific Crest National Scenic Trails.

The proposed § 7.100 revises the current § 2.30 by making it applicable only to the Appalachian National Scenic Trail, since the Pacific Crest Trail is under the administration of the U.S. Forest Service. Paragraph (a)(1) is retained, as it prohibits the use of bicycles, motorcycles, snowmobiles, or other motor vehicles. Paragraph (a)(2) relating to horses and pack animals is deleted, since these users are adequately regulated by the proposed § 2.16.

Organizational Summary

The Service has prepared the following organizational summary to assist in the location and analysis of the proposed revisions.

Numbering

Old	New
Part 1	
1.1 (applicability)	1.2.
1.2 (definitions)	1.4.
1.3 (penalties)	1.3.
2.6 (closures and public use limits).	1.5.
Part 2	
2.1 (property)	2.22.
2.2 (aircraft)	2.17.
2.3 (audio devices)	2.12.
2.4 (begging)	2.37.
2.5 (camping)	2.10.
2.6 (see Part 1)	
2.7 (disorderly conduct)	2.34.
2.8 (pets)	2.15.
2.9 (explosives)	2.38.
2.10 (false report)	2.32.
2.11 (firearms)	2.4.
2.12 (fires)	2.13.
2.13 (fishing)	2.3.
2.14 (fraudulently obtaining accommodations).	2.30.
2.15 (gambling)	2.36.
2.16 (intoxication)	2.35.
2.17 (lost and found)	2.22.
2.18 (picnicking)	2.11.
2.19 (engines and motors)	2.12.
2.20 (preservation, etc.)	2.1 and 2.31.
2.21 (public assemblies)	2.51.
2.22 (report of injury)	2.33.
2.33 (saddle and pack animals).	2.16.
2.24 (sanitation)	2.14.
2.25 (scientific specimens)	2.5.
2.26 (skating, etc.)	2.20.
2.27 (special events)	2.50.
2.28 (see Part 3)	
2.29 (tampering)	2.30 and 2.31.
2.30 (national trails)	7.100.
2.31 (see Part 3)	
2.32 (wildlife)	2.2.
2.33 (winter sports)	2.19.
2.34 (snowmobiles)	2.18.
2.35 (signs)	deleted
2.36 (air delivery)	2.17.
2.37 (controlled substances).	2.35.
2.38 (smoking)	2.21.
2.39 (sale and distribution of printed matter).	2.52.
Part 3	
3.0 (applicable regulations)	3.1.
3.2 (definitions)	deleted-adopting Coast Guard regulation by cross reference.
3.2 (permits)	3.3.
3.3 (numbering)	deleted-adopting Coast Guard regulation by cross reference.
3.4 (motorboat classifications).	Do.
3.5 (lights required)	Do.
3.6 (lifesaving equipment)	Do.
3.7 (signaling devices)	Do.
3.8 (flame arrestors)	Do.
3.9 (ventilation)	Do.
3.10 (fire extinguishers)	Do.
3.11 (commercial operations).	Do.
3.12 (rules of road)	Do.
3.13 (accidents)	3.4.
3.14 (prohibited operations)	3.6 and 3.7.
3.15 (restricted waters)	deleted.
3.16 (other safety requirements).	deleted-adopting Coast Guard regulation by cross reference.
3.17 (water sanitation)	Do.
3.18 (inspections)	3.5.
3.28 (swimming and bathing).	3.21, 3.22 and 3.23.
2.31 (water skiing)	3.20.
Other parts	
5.11 (impounding)	2.60.
5.12 (memorialization)	2.62.
5.15 (residence)	2.61.
5.16 (trespass)	2.60.
6.1 (general; fees)	2.23.
6.5 (visitor use; entrance charges).	2.23.
New sections	
1.1 (purpose)	
1.6 (permits)	
1.7 (public notice)	
2.31 (interference with agency functions).	
3.2 (NPS distinctive identification).	
Regulations combined	
2.1/2.17	2.22.
2.2/2.36	2.17.
2.3/2.19	2.12.
2.14/2.29	2.30.
2.16/2.37	2.35.
5.11/5/16	2.60.
6.1/6.5	2.23.
Deletions	
2.10 (covered in 2.32)	
2.35	
3.1	adopting Coast Guard regulations.
3.3-3.12	Do.
3.16	Do.

Public Participation

Active public participation in the development of these regulations is encouraged. Interested persons may submit written comments, suggestions or objections about the proposed regulations to the address noted at the beginning of this rulemaking. To aid the National Park Service in the review and analysis of public comments, commenters should address each regulation separately, preferably in a separate paragraph. Draft or revised regulatory language is specifically requested in the instances where the proposed regulation is judged to be inadequate, or on issues on which the proposed rule is silent.

Drafting Information

The primary authors of these regulations are Michael Finley, Assateague Island National Seashore, Jim O'Toole, Wilson's Creek National Battlefield, Maureen Finnerty, Division of Ranger Activities and Protection, Washington, D.C. and Donald Baur, Division of Conservation and Wildlife, Office of the Solicitor, Washington, D.C. However, numerous individuals from park areas throughout the National Park System contributed significantly to their review and development.

Compliance With Other Laws

As required by the National Environmental Policy Act (42 U.S.C. 4332, *et seq.*), the Service has prepared an environmental assessment on these proposed regulations. It is available at the address noted at the beginning of the rule.

The Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193, February 19, 1981). In accordance with the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601 *et seq.*), the Service has determined that the regulations proposed in this rulemaking will not have a significant economic effect on a substantial number of small entities, nor does it require the preparation of a regulatory analysis.

This rulemaking contains provisions that would entail the collection of information and require compliance

with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) SF–83 forms and justification statements will be transmitted to OMB for approval before the end of the comment period.

Authority

The Service's authority for promulgating these regulations is 16 U.S.C. 1 and 3 and statutes relating to specific park areas.

In consideration of the foregoing it is proposed to amend 36 CFR Chapter I as follows:

1. By revising Parts 1, 2, and 3 to read as follows:

PART 1—GENERAL PROVISIONS

Sec.

1.1 Purpose.
1.2 Applicability and scope.
1.3 Penalties.
1.4 Definitions.
1.5 Closures and public use limits.
1.6 Permits.
1.7 Public notice.

Authority: 16 U.S.C. 1 and 3.

§ 1.1 Purpose.

(a) The regulations in this chapter concern the proper use, management, government, and protection of persons, property, and natural and cultural resources within areas under the jurisdiction of the National Park Service.

(b) These regulations will be utilized to fulfill the statutory purposes of units of the National Park System: to conserve scenery, natural and historic objects, and wildlife, and to provide for the enjoyment of those resources in a manner which will leave them unimpaired for the enjoyment of future generations.

§ 1.2 Applicability and scope.

(a) The regulations contained in this chapter shall apply to all persons entering, using, visiting or otherwise within the boundaries of lands or waters owned, controlled, leased or otherwise administered by the National Park Service.

(b) The regulations contained in Parts 1 through 7 of this chapter are not applicable on privately owned lands (including Indian lands owned either individually or tribally) within the boundaries of a park area, except as may be provided by regulations specifically relating to privately owned lands under the jurisdiction of the Untied States.

(c) The regulations contained in Parts 1 through 6 of this chapter are not applicable to park areas administered by the National Park Service in the District of Columbia and its environs, to which Part 50 is applicable.

(d) The regulations contained in Part 7 and Part 13 of this chapter are special regulations presecribed for specific park areas. Those regulations may amend, modify, relaz or make more stringent the regulations contained in Parts 1 through 6 and Part 12 of this chapter.

(e) The regulations contained in Parts 1 through 7 shall not be construed to prohibit management activities conducted by Service personnel in accordance with approved management plans and policies, or emergency operations involving life or property.

§ 1.3 Penalties.

(a) A person convicted of violating a provision of the regulations contained in Parts 1 through 7 of this chapter, or as the same may be amended or supplemented, within a park area not covered in paragraphs (b) or (c) of this section shall be punished by a fine not exceeding $500 or by imprisonment not exceeding 6 months, or both, and shall be adjudged to pay all costs of the proceedings. 16 U.S.C. 3.

(b) A person who knowingly and willfully violates any provision of the regulations contained in Parts 1 through 7 of this chapter, or as the same may be amended or supplemented, within any of the national military parks, battlefield sites, national monuments, or miscellaneous memorials transferred to the jurisdiction of the Secretary of the Interior from that of the Secretary of War by Executive Order No. 6166, June 10, 1933, and enumerated in Executive Order No. 6228, July 28, 1933, shall be punished upon conviction thereof by a fine of not more than $100, or by imprisonment for not more than 3 months, or by both. 16 U.S.C. 9a.

(c) A person convicted of violating any provision of the regulations contained in Parts 1 through 7 of this chapter, or as the same may be amended or supplemented, within a park area established pursuant to the Act of August 21, 1935, 49 Stat. 666, shall be punished by a fine of not more than $500 and shall be adjudged to pay all costs of the proceedings. 16 U.S.C. 462.

(d) Notwithstanding the provisions of paragraphs (a), (b) and (c) of this section, a person convicted of violating § 2.23 of this chapter shall be punished by a fine of not more than $100. 16 U.S.C. 460*l*.

§ 1.4 Definitions.

(a) The following definitions shall apply to this chapter unless modified by the definitions for a specific part, or regulation.

(1) "Abandonment" means the voluntary relinquishment of property with the intent not to retain possession of that property.

(2) "Administrative use" means those activities conducted under the authority of the National Park Service for the purpose of safeguarding persons or property, implementing management plans and policies, or repairing or maintaining government facilities.

(3) "Airboat" means a vessel which is supported by the buoyancy of its hulls, and powered by a propeller or fan above the waterline. This definition should not be construed to mean a "hovercraft" which is supported by a fan generated air cushion.

(4) "Aircraft" means a device that is used or intended to be used for manned flight in the air, including powerless flight.

(5) "Aquatic wildlife" means a mollusk, crustacean, amphibian of the genus *Rana*, and certain turtles as may be defined by State law as available for taking.

(6) "Archeological object" or "archeological resource" means material remains of past human life or activities which are of archeological interest and are at least 50 years of age.

This term includes, but shall not be limited to, objects made or used by humans such as pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of the foregoing items, and the physical site, location or context in which they are found.

(7) "Authorized person" means an employee of the National Park Service with delegated authority to enforce the provisions of this chapter.

(8) "Camping" means the erecting of a tent or shelter of natural or man-made material, or placing a sleeping bag or other bedding material on the ground, or parking a motor vehicle, motor home, or trailer, or mooring a vessel for the apparent purpose of overnight occupancy.

(9) "Carry" means to wear, bear, or have on or about the person.

(10) "Controlled substance" means a drug or other substance, or immediate precursor, included in schedules I, II, III, IV, or V of Part B of the Controlled Substance Act (21 U.S.C. 812) or a drug or substance added to these schedules pursuant to the terms of the Act.

(11) "Cultural resource" means a site, structure, object, artifact, ruin, scene, district or landscape listed on, or eligible for listing on, the National Register of Historic Places, the List of Classified Structures, the Cultural Sites Inventory,

or the National Catalog of Museum Objects.

(12) "Developed area" means roads, parking areas, picnic areas, campgrounds or other structures, facilities, or lands located within development and historic zones depicted on the park area land management and use map.

(13) "Director" means the Director of the National Park Service.

(14) "Downed aircraft" means and aircraft that, as a result of mechanical failure, fire, or accident cannot become airborne.

(15) "Equipment" means a mechanical mode of conveyance, vessel, gear, tackle, ropes, rigging, recreational equipment, and supplies including containers designed for the transportation and storage of food or beverages.

(16) "Firearm" means a loaded or unloaded pistol, rifle, shotgun or other weapon which is designed to or may readily be converted to expel a projectile by the ignition of a propellant.

(17) "Fish" means any member of the class *Pisces* or *Chondrichthyes.*

(18) "Fishing" means taking or attempting to take fish.

(19) "Hunting" means taking or attempting to take wildlife, except trapping.

(20) "Livestock" means domesticated animals which are personal property and are not kept as pets.

(21) "Mineral" means an inorganic object in its natural state.

(22) "Net" means a seine, weir, net wire, fish trap, or other implement designed to entrap fish or aquatic wildlife, except a hand-held landing net used to retrieve fish taken with hook and line.

(23) "Nondeveloped area" means all lands and waters within park areas other than developed areas.

(24) "Pack animal" means horses, burros, mules, or other hooved mammals when designated as such by the superintendent.

(25) "Park area" means lands and waters administered by the National Park Service.

(26) "Park road" means the main traveled surface of a roadway owned, controlled or otherwise administered by the National Park Service.

(27) "Park roadway" means the road surface and its adjacent constructed shoulders owned, controlled or otherwise administered by the National Park Servce.

(28) "Permit" means a written authorization to engage in uses or activities that are otherwise prohibited.

(29) "Person" means an individual, firm, corporation, society, association, partnership, or private or public body.

(30) "Pet" means a domesticated animal kept for noncommercial purposes.

(31) "Possession" means exercising dominion or control, with or without ownership, over property, or archeological, historic or natural resources.

(32) "Practitioner" means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by the United States or the jurisdiction in which such person practices to distribute or possess a controlled substance in the course of professional practice.

(33) "Property" means personal property such as money, goods, or domestic animals, including the personal property of the United States.

(34) "Public use limit" means the number of persons, number and type of animals, amount, size and type of equipment, number, size and type of vessels allowed to enter, be brought into, remain in, or be used within a designated geographic area or facility; or the length of time a designated geographic area or facility may be occupied.

(35) "Rare natural object" means endangered or threatened wildlife, aquatic wildlife, fish and plants specified by the Endangered Species Act, and species similary identified by the states.

(36) "Real property" means land and whatever is erected, growing upon, or affixed to the land.

(37) "Refuse" means trash, garbage, rubbish, waste papers, bottles or cans, debris, litter, oil, solvents, liquid waste, or other discarded materials.

(38) "Regional Director" means the official in charge of a region of the National Park Service.

(39) "Secretary" means the Secretary of the Interior.

(40) "Services" means, but is not limited to, meals and lodging, labor, professional services, transportation, admission to exhibits, use of telephone or other utilities, or any act for which remuneration is customarily received.

(41) "Smoking" means the carrying of lighted cigarettes, cigars or pipes, or the intentional and direct inhalation of smoke from these objects.

(42) "Snowmobile" means a self-propelled vehicle intended for over-the-snow travel.

(43) "Superintendent" means the official in charge of a park area or an authorized representative.

(44) "Take" or "taking" means to pursue, hunt, harass, harm, shoot, trap, net, capture, collect, kill, wound, or attempt to do any of the above.

(45) "Trap" means a snare, trap, mesh, wire or other implement, object or mechanical device designed to entrap or kill animals other than fish.

(46) "Trapping" means taking or attempting to take wildlife with a trap.

(47) "Underway" means when a vessel is not at anchor, made fast to the shore, or aground.

(48) "Unloaded," as applied to weapons and firearms, means that: (1) There is no unexpended shell, cartridge, or projectile in the chamber or magazine or a firearm; (ii) a muzzle-loading weapon does not contain a powder charge; and (iii) bows, crossbows, spear guns and any implement capable of discharging a missile or similar device by means of a loading or discharging mechanism, when that loading or discharging mechanism is not charged or drawn.

(49) "Vessel" means every type or description of craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water, including a buoyant device permitting or capable of free flotation.

(50) "Weapon" means a firearm, compressed gas or spring-powered pistol or rifle, bow and arrow, crossbow, blowgun, speargun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles, and includes a weapon the possession of which is prohibited under the laws of the State in which the park area or portion thereof is located.

(51) "Wildlife" means a mammal, bird, amphibian, reptile, arthropod (except crustaceans) or other invertebrate and includes a part, product, egg or offspring thereof, or the dead body or part thereof.

(b) In addition to the definitions in paragraph (a), for the purpose of the regulations contained in Parts 3 and 7 of this chapter, the definitions pertaining to navigation, navigable waters and shipping enumerated in Title 14, United States Code, Title 33 United States Code, Title 46 Code of Federal Regulations, the Federal Boating Safety Act of 1971 and the Inland Navigational Rules Act of 1980, shall apply for boating and water activities.

§ 1.5 Closures and public use limits.

(a) Consistent with applicable legislation and Federal administrative policies, and based upon a determination that such action is necessary for the maintenance of public

health and safety, protection of environmental values or natural or cultural resources, aid to scientific research, implementation of management responsibilities, proper allocation and use of facilities, or the avoidance of conflict among visitor use activities, the superintendent may:

(1) Establish, for all or a portion of a park area, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public used or to a specific use or activity.

(2) Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.

(3) Terminate a restriction, limit, closure, designation, condition, or visiting hour restriction imposed under paragraph (b) (1) or (2) of this section.

(b) Except in emergency situations, prior to implementing a restriction, condition, public use limit or closure, the superintendent shall prepare a written determination justifying the need for such action. That determination shall set forth the reason(s) the restriction, condition, public use limit or closure authorized by paragraph (a) of this section has been established and an explanation of why less restrictive measures will not suffice. This determination shall be available to the public upon request.

(c) To implement a public use limit, the superintendent may establish a permit, registration, or reservation system. Permits shall be issued in accordance with § 1.6.

(d)(1) Except in emergency situations, a closure, designation, use or activity restriction or condition which is of a nature, magnitude and duration that will result in a significant alteration in the public use pattern of the park area or require a long-term or significant modification in the resource management objectives of that unit, shall be published by the superintendent as rulemaking in the **Federal Register.**

(2) Except in emergency situations, the public will be informed of closures, designations, and use or activity restrictions or conditions not covered in paragraph (d)(1), and of visiting hours, public use limits and public use limit procedures in accordance with § 1.7 of this chapter.

(e) Failure to abide by a closure, schedule of visiting hours, or public use limit is prohibited. When a permit is used to implement a public use limit, violation of the terms and conditions of a permit may result in revocation of the permit and such other restrictions as are prescribed in this chapter.

§ 1.6 Permits.

(a) When authorized by regulations set forth in this chapter, the superintendent may issue a permit to allow an otherwise prohibited or restricted activity. The activity allowed by such a permit shall be consistent with applicable legislation and Federal regulations and administrative policies and based upon a determination that public health and safety, protection of environmental values or natural or cultural resources, aid to scientific research, implementation of management responsibilities, proper allocation and use of facilities, or the avoidance of conflict among visitor use activities, will not be adversely impacted.

(b) Application for a permit shall be submitted to the superintendent during normal business hours.

(c) The public will be informed of the existence of a permit requirement in accordance with § 1.7 of this chapter.

(d) Unless otherwise provided for by the regulations in this chapter, the superintendent may deny a permit which has been properly applied for only upon a determination that one or more of the criteria set forth in paragraph (a) of this section would be adversely impacted or if the designated capacity for an area or facility would be exceeded.

(e) The permit shall contain special conditions necessary to protect park values or public safety.

(f) A written record of all permit requirements shall be maintained by the superintendent.

§ 1.7 Public notice.

(a) Except as provided in § 1.5(d)(1) of this chapter, whenever the authority of § 1.5(a) or § 1.6 is invoked to restrict or control a public use or activity, to relax or revoke an existing restriction or control, to designate all or a portion of a park area as open or closed, or to require a permit, the public shall be notified by one or more of the following methods:

(1) Signs posted at conspicuous locations such as normal points of entry and reasonable intervals along the boundary of the affected park locale.

(2) Maps available in the office of the superintendent and other places convenient to the public.

(3) Publication in a newspaper of general circulation in the affected area.

(4) Other appropriate methods, such as the removal of closure signs, use of electronic media, park brochures, maps and handouts.

(b) In addition to the above-described notification procedures, the superintendent shall assemble, in written form, all of the designations, closures, permit requirements and other restrictions imposed under discretionary authority. This compendium shall be updated annually and made available to the public.

PART 2—RESOURCE MANAGEMENT, PUBLIC USE AND RECREATION

Sec.

2.1 Preservation of natural, cultural and archeological objects.
2.2 Wildlife protection.
2.3 Fishing and the taking of aquatic wildlife.
2.4 Weapons, traps and nets.
2.5 Research specimens.
2.10 Camping and food storage.
2.11 Picnicking.
2.12 Audio disturbances.
2.13 Fires.
2.14 Sanitation and refuse.
2.15 Pets.
2.16 Horses and pack animals.
2.17 Aircraft and air delivery.
2.18 Snowmobiles.
2.19 Winter activities.
2.20 Skating, skateboards and similar devices.
2.21 Smoking.
2.22 Property.
2.23 Recreation fees.
2.30 Misappropriation of property and services.
2.31 Trespassing, tampering and vandalism.
2.32 Interfering with agency functions.
2.33 Report of injury or damage.
2.34 Disorderly conduct.
2.35 Alcoholic beverages and controlled substances.
2.36 Gambling.
2.37 Noncommercial soliciting.
2.38 Explosives.
2.50 Special events.
2.51 Public assemblies, meetings.
2.52 Sale and distribution of printed matter.
2.60 Grazing and agriculture.
2.61 Residing on federal lands.
2.62 Memorialization.

Authority: 16 U.S.C. 1,3.

§ 2.1 Preservation of natural, cultural and archeological objects.

(a) The following are prohibited:

(1) Possessing, destroying, injuring, defacing, removing, or disturbing from its natural state living or dead wildlife, fish, aquatic wildlife, plants, nonfossilized and fossilized paleontological specimens, or parts thereof, or a mineral resource, except as otherwise provided in this chapter.

(2) Possessing, destroying, injuring, defacing, removing, or distrubing a structure or its furnishings or fixtures, or other cultural or archeological resource.

(3) Introducing wildlife, fish, aquatic wildlife, or plants, including their reproductive bodies, into a park area ecosystem, except under conditions established by the superintendent.

(4) Leaving a designated or maintained trail to shortcut between portions of the same trail or an adjacent trail.

(5) Engaging in an activity such as walking, climbing, ascending, descending, or traversing on an archeological or cultural resource, or a monument or statue, except in designated areas and under conditions established by the superintendent.

(6) Tossing, throwing or rolling rocks or other items inside caves or caverns, into valleys, canyons, or caverns, down hillsides or mountainsides, or into thermal features.

(7) Removing firewood from a park area except under such conditions as the superintendent may establish.

(b)(1) Designated natural products of a renewable nature (such as fruits, berries, nuts, or unoccupied seashells) may be gathered or possessed for personal use or consumption. The superintendent may limit the size and quantity of the items which may be gathered or possessed for this purpose.

(2) The following are prohibited:

(i) Gathering or possessing undesignated natural products.

(ii) Gathering or possessing natural products in excess of the size and quantity designated by the superintendent.

(iii) Unauthorized removal of natural products from the park area.

(iv) Sale or commercial use of natural products.

(c) *Mineral or metal detectors.* Possessing or using a mineral or metal detector, magnetometer, side scan sonar or other metal detecting device, or subbottom profiler is prohibited. This section does not apply to:

(1) Such a device which is broken down and stored or packed to prevent its use while in park areas.

(2) Electronic equipment used primarily for the navigation and safe operation of boats and aircraft.

(3) Mineral or metal detectors, magnetometers, or subbottom profilers used for authorized scientific, mining, or administrative use.

§ 2.2 Wildlife protection.

(a) The following are prohibited:

(1) The taking of wildlife, except by authorized hunting and trapping activities conducted in accordance with paragraph (b) of this section.

(2) The feeding, touching, teasing, frightening or intentional disturbing of wildlife, nesting, breeding or other activities.

(3) Possessing unlawfully taken wildlife or portions thereof.

(4) Discharging a weapon, except for the purpose of taking wildlife.

(b) *Hunting and trapping*—(1) Hunting shall be allowed in park areas where such activity is specifically required by Federal statutory law.

(2) Hunting may be allowed in park areas where such activity is discretionary under Federal statutory law if the superintendent determines that such activity is consistent with public safety and enjoyment, and sound resource management principles. Such hunting shall be allowed pursuant to special regulations.

(3) Trapping is prohibited in all park areas, except where specifically required by Federal statutory law.

(4) Where hunting and trapping are authorized by law, such activities shall be conducted in accordance with Federal law and the laws and regulations of the State in which the exterior boundaries of a park area or a portion thereof is located. Nonconflicting State laws which are now or hereafter in effect are adopted and made a part of these regulations.

(c) Except in emergencies or in areas under the exclusive jurisdiction of the United States, the superintendent shall consult with appropriate State agencies before invoking the authority of § 1.5 for the purpose of restricting hunting and trapping or closing park areas to the taking of wildlife which otherwise allow such activities.

(d) The superintendent may establish conditions and procedures for transporting lawfully taken wildlife through the park area. Violation of these conditions and procedures is prohibited.

(e) The superintendent may designate all or portions of a park area as closed to the viewing of wildlife with an artificial light. Use of an artificial light for purposes of viewing wildlife in closed areas is prohibited.

(f) The regulations contained in this section shall be applicable to privately owned lands under the legislative jursidiction of the United States.

§ 2.3 Fishing and the taking of aquatic wildlife.

(a) Except in designated areas or as otherwise provided in this section, fishing and the taking of aquatic wildlife, including licensing requirements, shall be in accordance with the laws of the State in which the exterior boundaries of a park area or portion thereof is located. Nonconflicting State laws which are now or may hereafter be in effect are hereby adopted and made a part of these regulations.

(b) State fishing licenses are not required in the following park areas: Big Bend, Crater Lake, Denali, Glacier, Isle Royale (inland waters only), Mammoth Cave, Mount Rainier, Olympic and Yellowstone.

(c) Except in emergencies or in areas under the exclusive jurisdiction of the United States, the superintendent shall consult with appropriate State agencies before invoking the authority of § 1.5 of this chapter for the purpose of restricting or closing park areas to the taking of fish or aquatic wildlife.

(d) Except in areas otherwise designated by the superintendent, the following are prohibited:

(1) Fishing from, or within 200 feet of, a public raft or float designated for water sports, or within the limits of designated mooring areas or harbors, swimming beaches, surfing areas, or public boat docks.

(2) Fishing from motor road bridges.

(3) Fishing or the taking of aquatic wildlife by the use of drugs, poisons, explosives, electricity, or fish traps.

(4) Digging for bait, except on privately owned lands.

(5) Commercial fishing in fresh waters, except where specifically authorized by Federal law.

(e) Fish or aquatic wildlife that does not meet size or species restrictions, or that the person chooses not to keep, shall be carefully and immediately returned to the water from which it was taken. Fish or aquatic wildlife so released shall not be included in the catch or possession limit, provided that at the time of catching the person does not possess the legal limit of fish or aquatic wildlife.

(f) A person taking fish or aquatic wildlife, or who can reasonably be presumed to have been engaged in these activities, shall allow inspection by an authorized person of all fishing licenses, permits, tackle, and the contents of creels, or other containers that can reasonably be used to transport or store fish or aquatic wildlife.

(g) Except as otherwise designated, the following are prohibited in the fresh waters of park areas:

(1) Possessing live or dead minnows, chubs, other bait fish, amphibians, nonpreserved fish eggs and fish roe, or the use thereof as bait.

(2) Chumming or placing of preserved or fresh fish eggs, fish roe, food, fish parts, chemicals or other foreign substances in waters (except legal bait) for the purpose of feeding or attracting fish to a particular location in order that they may be taken.

(3) Fishing with a net, seine, trap, spear, other weapon, or in any manner other than by hook and line, with the rod or line being closely attended.

(h) Except as otherwise designated, fishing, the taking of aquatic wildlife,

and the possession of traps or nets in the salt water of park areas shall be in accordance with State law.

(i) The regulations contained in this section shall be applicable on the privately owned lands under the legislative jurisdiction of the United States.

§ 2.4 Weapons, traps and nets.

(a) Using a weapon, trap or net is prohibited, except as provided for in §§ 2.2 and 2.3.

(b) Carrying or possessing a loaded weapon in a motor vehicle, vessel, or other mode of transportation is prohibited.

(c) Carrying or possessing a weapon, trap or net is prohibited, *provided however:*

(1) Carrying or possessing a weapon, trap or net within a dwelling, temporary lodging, or within or upon a mode of transportation is allowed provided that, when a weapon is involved, it is unloaded and cased, unloaded and packed, or stored in a manner which will prevent its ready use.

(2) Carrying or possessing a loaded weapon in a vessel is allowed only when such vessel is not underway and is used as a stationary shooting platform in accordance with applicable Federal and State law.

(3) Carrying or possessing a weapon, trap or net is allowed within corridors which may be designated by the superintendent to provide access to otherwise inaccessible lands or waters contiguous to a park area, provided that, when a weapon is involved, it is unloaded and cased, unloaded and packed, or stored in a manner which will prevent its ready use.

(4) Carrying a weapon, trap, or net is allowed only at such times as it is actually being utilized in authorized hunting and trapping activities conducted in accordance with § 2.3 of this chapter. This subparagraph shall not apply to activities authorized in paragraphs (c) (1)–(3) of this section.

(d) Weapons, traps or nets may not be carried, possessed or used in a manner which endangers persons or property.

(e) The superintendent may issue permits authorizing the carrying or possession of a weapon, trap or net. Violation of the terms and conditions of a permit issued under this section may result in the revocation of the permit and such other restrictions as are prescribed in this chapter.

(f) Authorized Federal, State and local law enforcement officers may carry firearms in the performance of their official duties.

(g) The carrying or possessing of a weapon, trap or net in violation of applicable Federal and State laws is prohibited.

(h) The regulations in this section shall be applicable on the privately owned lands under the legislative jurisdiction of the United States.

§ 2.5 Research specimens.

(a) Collecting plants, fish, aquatic wildlife, wildlife and minerals other than as may be allowed pursuant to other regulations of this chapter is prohibited, except pursuant to the terms and conditions of a specimen collection permit. A permit may be issued only to an official representative of a reputable scientific or educational institution which will utilize such specimens for research, group study or museum display.

(b) A permit for a collection program which requires the killing of biota may be issued only in the following circumstances:

(1) The taking of wildlife is authorized by the enabling legislation of the park area for which the permit is sought, and the Regional Director determines that collection will benefit science.

(2) The taking of wildlife is not prohibited in the enabling legislation of the park area for which the permit is sought, and the Regional Director determines that collection has the potential of providing information that can help better manage and protect park resources.

(c) In addition to the conditions of paragraph (b) of this section, a permit to secure a rare natural object will be granted by the Director only if such object cannot be secured elsewhere and is needed for special scientific use.

(d) A permit may not be issued for the collection of a specimen if its removal would disturb remaining natural features or mar their appearance.

(e) Violation of the terms and conditions of a permit issued in accordance with this section may result in the revocation of the permit and such other restrictions as are prescribed in this chapter.

§ 2.10 Camping and food storage.

(a) In developed areas, the superintendent may designate sites or areas as available for camping. In nondeveloped areas, the superintendent may require permits, designate sites or areas, and establish conditions for camping.

(b) The following are prohibited:

(1) Digging or leveling the ground at a campsite.

(2) Leaving camping equipment, temporary alterations, or refuse after departing from the campsite.

(3) Camping within 25 feet of a water hydrant or main road, or within 100 feet of a flowing stream, river or body of water, except in designated areas.

(4) Creating or sustaining unreasonable noise between the hours of 10 p.m. and 6 a.m., considering the nature and purpose of the actor's conduct, impact on other park users, location, and other factors which would govern the conduct of a reasonably prudent person under the circumstances.

(5) Using a campsite as a base for hunting outside of the park area.

(6) Connecting to a utility system, except in designated areas.

(7) Failing to obtain a permit, where required.

(8) Violating conditions which may be established by the superintendent, or camping outside of designated sites or areas.

(c) Violating the terms and conditions of a permit issued in accordance with this section may result in the revocation of the permit and such other restrictions as are prescribed in this chapter.

(d) Food storage. The superintendent may designate all or a portion of a park area where food, lawfully taken fish or wildlife, garbage, and equipment used to cook or store food must be kept sealed in a vehicle, or in a camping unit that is constructed of solid, non-pliable material, or suspended at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk, or other object. Violation of this restriction is prohibited. This restriction does not apply to food that is being transported, consumed, or prepared for consumption.

§ 2.11 Picnicking.

Picnicking is allowed, except in designated areas closed in accordance with § 1.5. The superintendent may establish conditions for picnicking in areas where picnicking is allowed. Picnicking in violation of established conditions is prohibited.

§ 2.12 Audio disturbances.

(a) The following are prohibited:

(1) Operating or using motorized equipment or machinery such as an electric generating plant, motor vehicle, or motorized toy or an audio device, other than a public address system, such as a radio, television set, tape deck or musical instrument in a manner which produces a A-weighted sound pressure level of 85 decibels or more, or in a manner which endangers others.

(2) In developed areas, operating or using a power saw, except pursuant to the terms and conditions of a permit, or in areas and at such times as designated by the superintendent.

(3) In nondeveloped areas, operating or using any type of portable motor or engine, or device powered by a portable motor or engine, except pursuant to the terms and conditions of a permit issued under this section. This paragraph does not apply to outboard motors in areas where outboard motor boating is allowed, and electric generating plants used in the operation of vessels.

(4) Operating or using a public address system, except when in connection with a public gathering or special event for which a permit has been issued pursuant to §§ 2.50 or 2.51.

(b) Violation of the terms and conditions of a permit issued under this section may result in the revocation of the permit and such other restrictions as are prescribed in this chapter.

§ 2.13 Fires.

(a) The following are prohibited:

(1) Lighting or maintaining a fire, except in designated areas or receptacles and under conditions which may be established by the superintendent.

(2) Use of stoves or lanterns in violation of use restrictions or in areas which the superintendent may designate as closed to such use.

(3) Lighting or tending a fire, stove or lantern in a manner which threatens, causes damage to, or results in the burning of property, real property or park resources, or creates a public safety hazard.

(4) Leaving a fire unattended.

(5) Throwing or discarding lighted or smoldering material in a manner which threatens, causes damage to, or results in the burning of property or park resources, or creates a public safety hazard.

(b) Fires shall be extinguished upon termination of use and in accordance with such conditions as may be established by the superintendent.

(c) The regulations in this section shall be applicable on the privately owned lands under the legislative jurisdiction of the United States.

§ 2.14 Sanitation and refuse.

(a) The following are prohibited:

(1) Disposing refuse in other than refuse receptacles.

(2) Using government refuse receptacles or other refuse facilities for dumping household, commercial, or industrial refuse, brought as such from private or municipal property, except in accordance with such conditions as may be established by the superintendent.

(3) Depositing refuse in the plumbing fixtures or vaults of a toilet facility.

(4) Draining refuse from a trailer or other vehicle, except in facilities provided for such purpose.

(5) Bathing, or washing food, clothing, dishes, or other property at public water outlets or fixtures, except at those designated for such purpose.

(6) Polluting or contaminating a drinking water supply.

(7) Disposing fish remains or the remains of aquatic wildlife on land, or in waters within 200 feet of boat docks or designated swimming beaches, or within developed areas, except as otherwise designated.

(b) *Human body waste*—(1) The disposal of human body waste is prohibited in developed areas, except at designated locations or in fixtures provided for that purpose.

(2) In nondeveloped areas, the disposal of human body waste within 100 feet of a water source, high water mark of a body of water, or a campsite, or within sight of a trail, is prohibited.

(3) The superintendent may establish conditions concerning the disposal, containerization, or carryout of human body waste. Violation of these conditions is prohibited.

§ 2.15 Pets.

(a) The following are prohibited:

(1) Possessing a pet in a public building, public transportation vehicle, structure of area closed to pets, or designated swimming area. This subparagraph shall not apply to guide dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing impaired persons.

(2) Failing to crate, cage, physically confine, or restrain a pet with a leash which shall not exceed six feet in length.

(3) Leaving a pet unattended and tied to an object, except in designated areas or under conditions which may be established by the superintendent.

(4) Allowing a pet to make noise which is unreasonable or threatens wildlife by barking, howling, or making other noise.

(5) Failing to comply with pet excrement disposal conditions which may be established by the superintendent.

(b) In park areas where hunting is allowed, dogs may be used in accordance with applicable Federal and State laws.

(c) Pets or feral animals which are running-at-large and observed by an authorized person in the act of killing, injuring or molesting humans, livestock, or wildlife may be destroyed if necessary for public safety or protection of wildlife.

(d) Pets running-at-large may be impounded, and the owner may be charged reasonable fees for kennel or boarding costs, feed, veterinarian fees, and disposal. Unless otherwise provided by State law, an impounded pet may be put up for adoption or otherwise disposed of after being held for 72 hours.

(e) Pets may be kept by residents of park areas consistent with the provisions of this section and in accordance with conditions which may be established by the superintendent.

§ 2.16 Horses and pack animals.

The following are prohibited:

(a) The use of animals other than those designated as "pack animals" for purposes of transporting equipment.

(b) The use of horses and pack animals outside of designated trails, routes or areas.

(c) The use of horses or pack animals on a park road, except where such travel is necessary for ingress to or egress from trails or privately owned property, or otherwise allowed by designation.

(d) Free-trailing or loose-herding of horses or pack animals on trails.

(e) Allowing horses or pack animals to proceed in excess of a slow walk when passing persons on foot or bicycle.

(f) Obstructing a trail, or making an unreasonable noise or gesture while horses or pack animals are in the vicinity.

(g) Violation of conditions which may be established by the superintendent concerning the use of horses and pack animals.

§ 2.17 Aircraft and air delivery.

(a) The following are prohibited:

(1) Operating or using aircraft on lands or waters other than at designated take-off or landing areas, except pursuant to the terms and conditions of a permit.

(2) Operating or using aircraft under power on the water within 500 feet of designated swimming beaches, boat docks, piers, or ramps, except as otherwise designated.

(3) Delivering a person or object by parachute, helicopter, or other means of air delivery, except in emergencies involving public safety or serious property loss, or pursuant to the terms and conditions of a permit. For the purposes of this subparagraph, "delivery" means the act of conveying or releasing persons or property.

(b) Violation of the terms and conditions of a permit issued under this section may result in the revocation of the permit and such other restrictions as are prescribed in this chapter.

(c) The provisions of this section shall not be applicable to aircraft engaged in official business of the Federal government, or used in emergency rescue in accordance with the directions of the superintendent, or forced to land due to circumstances beyond the control of the operator.

(d)(1) Except as provided in paragraph (d)(3) of this section, the owners of a downed aircraft shall remove the aircraft and all component parts thereof in accordance with procedures established by the superintendent. In establishing removal procedures, the superintendent is authorized to: (i) Establish a reasonable date by which aircraft removal operations must be complete: (ii) Determine times and means of access to and from the downed aircraft; and (iii) Specify the manner or method of removal.

(2) Failure to comply with procedures and conditions established under paragraph (d)(1) is prohibited, except that the owner of the downed aircraft or an authorized representative thereof may remove component parts at the time of incident or within a reasonable period thereafter without obtaining a permit.

(3) The superintendent may waive the requirements of paragraph (d)(1) or prohibit the removal of downed aircraft, upon a determination that: (i) The removal of downed aircraft would constitute an unacceptable risk to human life; (ii) The removal of a downed aircraft would result in extensive resource damage; or (iii) The removal of a downed aircraft is impracticable or impossible.

(e) The operation of aircraft shall be in accordance with regulations of the Federal Aviation Administration.

§ 2.18 Snowmobiles.

(a) Nothwithstanding the definition of vehicle set forth in § 4.2 (a) and (b), the provisions of §§ 4.6, 4.8, 4.9, 4.13, 4.14, 4.15, 4.16, 4.18 and 4.20 of this chapter shall apply to snowmobiles.

(b) Except as otherwise provided in this section, the laws of the State in which the exterior boundaries of a park area or a portion thereof is located shall govern equipment standards and the operation of snowmobiles. Such nonconflicting State laws which are now or may hereafter be in effect are adopted and made a part of these regulations.

(c) The use of snowmobiles is prohibited, except on designated routes and water surfaces which are used by motorized vehicles or motorboats during other seasons. Snowmobiles shall not be allowed except where designated and only when their use is consistent with the park's natural, cultural, scenic and aesthetic values, safety considerations, park management objectives, and will not disturb wildlife or damage park resources. Routes and water surfaces designated for snowmobile use shall be promulgated as special regulations in Part 7 of this chapter.

(d) The following are prohibited:

(1) Operating a snowmobile which makes excessive noise. Excessive noise for snowmobiles manufactured after July 1, 1975 is a level of total snowmobile noise that exceeds 78 decibels measured on the A-weighted scale in intensity of a sound meter, measured at a distance of not less 50 feet when the snowmobile is being operated (at or near full throttle.) Snowmobiles manufactured between July 1, 1973 and July 1, 1975 will not register more than 82 decibles on the A scale at 50 feet. Snowmobiles manufactured prior to July 1, 1973 will not register more than 86 decibels on the A weighted scale at 50 feet.

(2) Operating a snowmobile without a lighted white headlamp and red taillight from one half-hour after sunset to one half-hour before sunrise, or when persons and vehicles are not clearly visible for a distance of 500 feet.

(3) Operating a snowmobile which does not have brakes in good working order.

(4) Operating a snowmobile in excess of 45 mph, unless otherwise designated or restricted in accordance with § 4.14 of this chapter.

(e) Except where State law prescribes a different minimum age or qualification for the person providing direct supervision and accompaniment, the following are prohibited:

(1) The operation of a snowmobile by a person under 16 years of age unless accompanied and supervised within line of sight by a responsible person 21 years of age or older;

(2) The operation of a snowmobile by a person under 12 years of age, unless accompanied on the same machine by a responsible person 21 years of age of older; or

(3) The supervision by one person of the operation of snowmobiles by more than one person under 16 years of age.

§ 2.19 Winter activities.

(a) The superintendent may designate areas where skiing, snowshoeing, ice skating, and similar winter sports are prohibited. Such sports are prohibited on roads and in parking areas which are open to motor vehicle traffic.

(b) Sledding, innertubing, and tobogganing are allowed, unless restricted to designated areas or prohibited by the superintendent.

(c) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes. This paragraph shall not apply to sleds designed to be towed behind snowmobiles which are joined to the snowmobile with a rigid hitching mechanism.

(d) Failure to abide by area designations or activity restrictions established under this section is prohibited.

§ 2.20 Skating, skateboards, and similar devices.

Using roller skates, skateboards, roller skis, coasting vehicles, or similar devices is prohibited, except in designated areas.

§ 2.21 Smoking.

(a) The superintendent may designate a portion of a park area, all or a portion of a building, structure or facility as closed to smoking when necessary to protect park resources, reduce the risk of fire, or prevent conflicts among visitor use activities. Smoking in an area so designated is prohibited.

(b) Smoking is prohibited within all caves and caverns.

§ 2.22 Property.

(a) *Abandoned property.* Abandoning property is prohibited.

(b) *Unattended property.* Except in areas where longer time periods have been designated, leaving property unattended for longer than 24 hours is prohibited, except in accordance with conditions which may be established by the superintendent.

(c) *Found property.* All found property shall be turned in to the superintendent as soon as practicable.

(d) *Impoundment of property.* (1) Property determined to be left unattended in excess of an allowed period of time may be impounded by the superintendent.

(2) Unattended property that interferes with visitor safety or presents a threat to park resources may be impounded by the superintendent at any time.

(3) Found or impounded property shall be inventoried to determine ownership and safeguard personal property.

(4) The owner of record is responsible and liable to the person who has removed, stored, or otherwise disposed of property impounded pursuant to this section; or

(5) The superintendent may assess the owner reasonable fees for the impoundment and storage of property impounded pursuant to this section.

(e) *Disposition of property.* (1) Unattended property impounded pursuant to this section shall be deemed to be abandoned unless claimed by the owner or an authorized representative thereof within 60 days. The 60 day period shall begin when the rightful owner of the property has been notified, if the owner can be identified, or from the time the property was placed in the superintendent's custody, if the owner cannot be identified.

(2) Unclaimed found property shall be stored for a minimum period of 60 days and, unless claimed by the owner or an authorized representative thereof, may be claimed by the finder, provided that the finder is not an employee of the National Park Service. Found property which is not claimed by the owner or an authorized representative or the finder shall be deemed abandoned.

(3) Except where State law prescribes a different period of time, paragraphs (e) (1) and (2) shall govern the disposition of property.

(4) Abandoned property shall be disposed of in accordance with Title 41, Code of Federal Regulations.

(5) Property, including real property, located within a park area and owned by a deceased person, shall be disposed of in accordance with the laws of the State within whose exterior boundaries the property is located.

(f) The regulations contained in paragraphs (c), (d) and (e) of this section shall be applicable on privately owned lands under the legislative jurisdiction of the United States.

§ 2.23 Recreation fees.

(a) Recreation fees shall be established as provided for in Part 66 of this chapter.

(b) Entering designated entrance fee areas or using specialized sites, facilities, equipment or services, or participating in group activities, recreation events, or other specialized recreation uses for which recreation fees have been established without paying the required fees and possessing the applicable permits is prohibited. Violation of the terms and conditions of a permit issued under Part 66 may result in revocation of the permit.

(c) The superintendent may, when in the public interest, prescribe periods during which the collection of recreation fees shall be suspended.

§ 2.30 Misappropriation of property and services.

(a) The following are prohibited: (1) Taking or exercising unlawful possession over the property of another with the purpose to deprive the owner thereof.

(2) Obtaining property or services offered for compensation without making payment or offering to pay therefor.

(3) Obtaining property or services offered for sale or compensation by means of a statement of past, present or future fact which is instrumental in causing the wrongful transfer of property or services, including use of stolen, forged, expired, revoked or fraudulently obtained credit cards or paying with negotiable paper on which payment is refused.

(4) Concealing unpurchased merchandise on or about the person without the knowledge or consent of the seller or paying less than the purchase price by deception.

(5) Acquiring or possessing the property of another, with knowledge or reason to believe that the property is stolen.

(b) The regulations contained in this section shall apply on privately owned lands under the legislative jurisdiction of the United States.

§ 2.31 Trespassing, tampering and vandalism.

(a) The following are prohibited: (1) *Trespassing.* Trespassing, entering or remaining in or upon property or real property not open to the public, except with the express invitation or consent of the person having lawful control of the property or real property.

(2) *Tampering.* Tampering or attempting to tamper with property or real property, or moving, manipulating or setting in motion any of the parts thereof, except when such property is under one's lawful control or possession.

(3) *Vandalism.* Destroying, injuring, defacing, or removing property or real property.

(b) The regulations contained in this section shall be applicable on the privately owned lands under the legislative jurisdiction of the United States.

§ 2.32. Interfering with agency functions.

(a) The following are prohibited: (1) *Interference.* Threatening, resisting, intimidating, or intentionally interfering with a government employee engaged in an official duty.

(2) *Lawful order.* Violating the lawful order of a government employee authorized to maintain order and control public access and movement during fire fighting operations, search and rescue operations, wildlife management operations involving animals that pose a threat to public safety, law enforcement actions, and emergency operations that involve a threat to public safety.

(3) *False information.* Knowingly giving a false or fictitious report or other false information to an authorized person investigating an accident or violation of law or regulation.

(4) *False report.* Knowingly giving a false report for the purpose of misleading a government employee in the conduct of official duties, or making a false report that causes a response by the United States to a fictitious event.

(b) The regulations in this section shall apply on privately owned lands under the legislative jurisdiction of the United States.

§ 2.33 Report of injury or damage.

In addition to the requirements of §§ 3.4 and 4.15 of this chapter, all incidents resulting in injury to persons or damage to property must be reported by the persons involved to an authorized person as soon as possible. Filing this report does not satisfy State accident report requirements.

§ 2.34 Disorderly conduct.

(a) Disorderly conduct is prohibited.

(b) A person commits disorderly conduct when, with intent to cause public alarm, nuisance, jeopardy or violence, or knowingly or recklessly creating a risk thereof, such person:

(1) Engages in fighting or threatening, or in violent behavior; or

(2) Uses language, an utterance, or gesture, or engages in a display or act which is obscene, physically threatening or menacing, or done in a manner which is likely to inflict injury or incite an immediate breach of the peace; or

(3) Makes noise which is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors which would govern the conduct of a reasonably prudent person under the circumstances; or

(4) Creates or maintains a hazardous or physically offensive condition.

§ 2.35 Alcoholic beverages and controlled substances.

(a) The following are prohibited:

(1) Presence in a park area when under the influence of alcohol or a controlled substance to a degree that may endanger oneself or another person, or damage property or park resources.

(2) The sale or gift of an alcoholic beverage to a person under 21 years of age, except where allowed by State law. In a State where a lower minimum age is established, that age limit will apply for purposes of this subparagraph.

(3) The delivery of a controlled substance, except when distribution is made by a practitioner in accordance

with applicable law. For the purposes of this subparagraph, delivery means the actual, attempted or constructive transfer of a controlled substance whether or not there exists an agency relationship.

(4) The possession of an alcoholic beverage by a person under 21 years of age, except where allowed by State law. In a State where a lower minimum age is established, that age limit will apply for purposes of this subparagraph.

(5) The possession of a controlled substance, unless such substance was obtained by the possessor directly, or pursuant to a valid prescription or order, from a practitioner acting in the course of professional practice or otherwise allowed by Federal or State law.

(6) The possession while in a motor vehicle of a bottle, can or other receptacle containing an alcoholic beverage which has been opened, had its seal broken, or its contents partially removed.

(b) The superintendent may close public buildings and parking lots, or portions thereof, to the consumption of alcoholic beverage when it is determined that: (1) The consumption of alcohol would be inappropriate considering the use of the location and the purpose for which it is maintained; or (2) Incidences of aberrant behavior related to the consumption of alcohol are of such magnitude that the application of §§ 1.5 (public use limits, visiting hours) and 2.34 (disorderly conduct) do not alleviate the problem. Failure to abide by such a closure is prohibited.

§ 2.36 Gambling.

Gambling in any form, or the operation of gambling devices, is prohibited. This prohibition shall be applicable on the privately owned lands within park areas under the legislative jurisdiction of the United States.

§ 2.37 Noncommercial soliciting.

Asking for or demanding gifts, money, goods or services, is prohibited, except pursuant to the terms and conditions of a permit which has been issued under §§ 2.51 or 2.52.

§ 2.38 Explosives.

(a) Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit. When permitted, the use, possession, storage and transportation shall be in accordance with applicable Federal and State laws.

(b) Using or possessing fireworks and firecrackers is prohibited, except pursuant to the terms and conditions of a permit or in designated areas under such conditions as the superintendent may establish, and in accordance with applicable State law.

(c) Violation of the terms and conditions of a permit issued under this section may result in the revocation of the permit and such other restrictions as are prescribed in this chapter.

§ 2.50 Special events.

(a) Sports events, pageants, regattas, entertainments, and similar productions characterized as public spectator attractions are allowed, provided a permit therefor has been issued by the superintindent. The superintendent shall designate on a map, which shall be available in the office of the superintendent, the locations that are available for special events. Locations may be designated as not available and a permit shall be denied if such activities would:

(1) Cause injury or damage to park resources; or

(2) Be contrary to the purposes for which the natural, historic, development and special use zones are maintained; or

(3) Unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative functions of the National Park Service; or

(4) Substantially impair the operation of public use facilities or services of National Park Service concessioners or contractors; or

(5) Present a clear and present danger to the public health and safety; or

(6) Result in significant conflict with other existing uses.

(b) An application for such a permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, an estimate of the number of persons expected to attend, and a statement of equipment and facilities to be used in connection therewith. The application shall be submitted so as to reach the superintendent at least 72 hours in advance of the proposed event.

(c) As a condition of permit issuance, the superintendent may require:

(1) The filing of a bond payable to the Director, in an amount adquate to cover costs such as restoration, rehabilitation, and cleanup of the area used, and other costs resulting from the special event. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond.

(2) In addition to the requirements of paragraph (c)(1), of this section, the acquisition of liability insurance in which the United States is named as co-insured in an amount sufficient to protect the United States.

(d) The permit may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is maintained. It may also contain reasonable limitations on the equipment used and the time and area within which the event is allowed.

(e) Violation of the terms and conditions of a permit issued under this section may result in the revocation of the permit and such other restrictions as are prescribed in this chapter.

§ 2.51 Public assemblies, meetings.

(a) Public meetings, assemblies, gatherings, demonstrations, parades and other public expressions of views are allowed within park areas, provided a permit therefor has been issued by the superintendent.

(b) An application for such a permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, an estimate of the number of persons expected to attend, and a statement of equipment and facilities to be used in connection therewith. The application shall be submitted so as to reach the superintendent at least 48 hours in advance of the proposed event.

(c) The superintendent shall, within 48 hours, issue a permit on proper application unless:

(1) A prior application for a permit for the same time and place has been made which has been or will be granted and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular area; or

(2) It reasonably appears that the event will present a clear and present danger to the public health or safety; or

(3) The event is of such nature or duration that it cannot reasonably be accommodated in the particular location applied for, considering possible damage to park resources or facilities, impairment of a protected area's atmosphere of peace and tranquility, interference with program activities, or impairment of public use facilities.

(d) The superintendent shall designate on a map, which shall be available in the office of the superintendent, the locations that are available for public assemblies. Locations may be designated as not available only if such activities would:

(1) Cause injury or damage to park resources; or

(2) Be contrary to the purposes for which the natural, historic, development and special use zones are maintained; or

(3) Unreasonably interfere with interpretive, visitor service, or other program activities, or with the

administrative functions of the National Park Service; or

(4) Substantially impair the operation of public use facilities or services of National Park Service concessioners or contractors; or

(5) Present a clear and present danger to the public health and safety.

(e) The permit may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is maintained. It may also contain reasonable limitations on the equipment used and the time and area within which the event is allowed.

(f) Violation of the terms and conditions of a permit issued under this section may result in the revocation of the permit and such other restrictions as are prescribed in this chapter.

§ 2.52 Sale and distribution of printed matter.

(a) The sale or distribution of printed matter is allowed within park areas, provided that a permit to do so has been issued by the superintendent, and provided further that the printed matter is not solely commercial advertising.

(b) An application for such a permit shall set forth the name of the applicant, the name of the organization (if any), the date, time, duration, and location of the proposed sale or distribution, and the number of participants. The application shall be submitted so as to reach the superintendent at least 48 hours in advance of the proposed sale or distribution.

(c) The superintendent shall, within 48 hours, issue a permit on proper application unless:

(1) A prior application for a permit for the same time and location has been made which has been or will be granted and the activities authorized by that permit do not reasonably allow multiple occupancy of the particular area; or

(2) It reasonably appears that the sale or distribution will present a clear and present danger to the public health and safety; or

(3) The number of persons engaged in the sale or distribution exceeds the number that can reasonably be accommodated in the particular location applied for, considering possible damage to park resources or facilities, impairment of a protected area's atmosphere of peace and tranquility, interference with program activities, or impairment of public use facilities; or

(4) The location applied for has not been designated as available for the sale or distribution of printed matter; or

(5) The activity would constitute a violation of an applicable law or regulation.

(d) If an application for a permit is denied, the applicant shall be so informed in writing, with the reason(s) for the denial set forth.

(e) The superintendent shall designate on a map, which shall be available for inspection in the office of the superintendent, the locations within the park area that are available for the sale or distribution of printed matter. Locations may be designated as not available only if the sale or distribution of printed matter would:

(1) Cause injury or damage to park resources; or

(2) Be contrary to the purposes for which the natural, historic, development and special use zones are maintained; or

(3) Unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative function of the National Park Services; or

(4) Substantially impair the operation of public use facilities or services of National Park Service concessioners or contractors.

(f) The permit may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is maintained.

(g) No permit shall be issued for a period in excess of 14 consecutive days, provided that permits may be extended for like periods, upon a new application, unless another applicant has requested use of the same location and multiple occupancy of that location is not reasonably possible.

(h) Persons engaged in the sale or distribution of printed matter under this section shall not obstruct or impede pedestrians or vehicles, harass park visitors with physical contact or persistent demands, misrepresent the purposes or affiliations of those engaged in the sale or distribution, or misrepresent whether the printed matter is available without cost or donation.

(i) A permit may be revoked under any of those conditions, as listed in paragraph (c) of this section, which constitute grounds for denial of a permit, or for violation of the terms and conditions of the permit. Such a revocation shall be made in writing, with the reason(s) for revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension may be made, to be followed by written confirmation.

(j) Violation of the terms and conditions of a permit issued under this section may result in revocation of the permit and such other restrictions as are prescribed in this chapter.

§ 2.60 Grazing and agriculture.

(a) The following are prohibited: (1) The running-at-large, herding, driving across, allowing on, or grazing of livestock of any kind in a park area, except pursuant to the terms and conditions of a permit or lease.

(2) The use of a park area for agricultural purposes, except pursuant to the terms and conditions of a permit or lease.

(3) Violation of the terms and conditions of a permit or lease issued under this paragraph.

(b) Violation of the terms and conditions of a permit issued under paragraph (a) may result in revocation of the permit and such other restrictions as are prescribed in this chapter.

(c) *Impounding of livestock.* (1) Livestock trespassing in a park area may be impounded by the superintendent and, if not claimed by the owner within the period specified in this paragraph, shall be disposed of in accordance with applicable Federal and State law.

(2) In the absence of applicable Federal or State law, the livestock shall be disposed of in the following manner:

(i) If the owner is known, prompt written notice of impoundment will be served, and in the event of the owner's failure to remove the impounded livestock within five (5) days from delivery of such notice, it will be disposed of in accordance with this paragraph.

(ii) If the owner is unknown, disposal of the livestock shall not be made until at least fifteen (15) days have elapsed from the date that a notice of impoundment is originally published in a newspaper of general circulation in the county in which the trespass occurs, or if no such newspaper exists, notification is provided by other appropriate means.

(iii) The owner may redeem the livestock by submitting proof of ownership and paying all expenses of the United States for capturing, advertising, pasturing, feeding, impounding, and the amount of damage to public property injured or destroyed as a result of the trespass.

(iv) In determining the claim of the government in a livestock trespass, the value of forage consumed shall be computed at the commercial rates prevailing in the locality for the class of livestock found in trespass. The claim shall include the pro rata salary of employees for the time spent and the expenses incurred as a result of the investigation, reporting, and settlement or prosecution of the claim.

(v) If livestock impounded under this paragraph is offered at public sale and no bid is received, or if the highest bid received is less than the amount of the claim of the United States or of the officer's appraised value of the livestock, whichever is the lesser amount, such livestock may be sold at private sale for the highest amount obtainable, condemned and destroyed, or converted to the use of the United States if of value for that purpose.

§ 2.61 Residing on Federal lands.

The following are prohibited:

(a) Residing in park areas, other than on privately owned lands, except pursuant to the terms and conditions of a permit, lease or contract.

(b) Violation of the terms and conditions of a lease or contract issued under this section.

(c) Violation of the terms and conditions of a permit issued under this section may result in revocation of the permit and such other restrictions as are prescribed in this chapter.

§ 2.62 Memorialization.

(a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.

(b) The scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit, or in designated areas according to conditions which may be established by the superintendent.

(c) Failure to abide by area designations and established conditions is prohibited.

(d) Violation of the terms and conditions of a permit issued under this section may result in the revocation of the permit and such other restrictions as are prescribed in this chapter.

PART 3—BOATING AND WATER USE ACTIVITIES

Sec.

3.1 Applicable regulations.
3.2 National Park Service distinctive identification.
3.3 Permits.
3.4 Accidents.
3.5 Inspections.
3.6 Prohibited operations.
3.7 Noise abatement.
3.20 Water skiing.
3.21 Swimming and bathing.
3.22 Surfing.
3.23 SCUBA and snorkeling.

Authority: 16 U.S.C. 1 and 3.

§ 3.1 Applicable regulations.

(a) In addition to the regulations contained in this part, Title 33, United States Code; Title 46, United States Code; Title 33, Code of Federal Regulations; Title 46, Code of Federal Regulations; and the laws and regulations of the State within whose exterior boundaries a park area or portion thereof is located shall govern water use, vessels, and their operation. Such Federal and State laws and regulations which are now or may hereafter be in effect are adopted and made a part of these regulations.

(b) As adopted herein, Federal regulations which authorize an action by the "captain of the port" or another officer or employee of the United States Coast Guard, authorize a like action by the superintendent.

§ 3.2 National Park Service distinctive identification.

(a) The distinctive identification insignia of National Park Service vessels shall consist of the following:

(1) Three adjacent diagonal stripes running from the waterline to the gunwale on both port and starboard topsides approximately quarter length from the bow. The stripes are set at an angle of 30 vertical, approximately parallel to the bow. The insignia consists of a broad forest green stripe followed by two narrow white and forest green stripes respectively. Width of the broad green stripe shall be ½ the verticle distance between gunwale and waterline. The narrow white and green stripes are 8% and 11% the width of the main green stripe respectively.

(2) The National Park Service arrowhead symbol, described in 36 CFR Part 11, centered within the confines of the broad green diagonal stripe.

(3) The words "National Park Service" in contrasting color to vessel hull which is white, and utilized in place of State identification/registration numbers on the bow.

(b) Carrying or displaying an ensign, or other identifying insignia which is identical to or resembles those prescribed for National Park Service vessels, is prohibited.

§ 3.3 Permits.

(a) The superintendent may require a permit for use of vessels within park areas.

(b) Violation of the terms and conditions of a permit issued under this section may result in revocation of the permit and such other restrictions as are prescribed in this chapter.

§ 3.4 Accidents.

(a) All incidents involving an accident, collision, fire or other casualty shall be reported to the superintendent within 24 hours. Filing this report does not satisfy applicable United States Coast Guard, State and county accident report requirements.

(b) Failure to report an incident to the superintendent within 24 hours is prohibited.

§ 3.5 Inspections.

(a) Authorized persons may at any time stop or board a vessel to examine documents, licenses or permits relating to operation of the vessel, and to inspect such vessel to determine compliance with regulations pertaining to safety equipment and operation.

(b) An authorized person who observes a vessel being operated without sufficient lifesaving or firefighting devices, or in an overloaded or unsafe condition, as defined in U.S. Coast Guard or National Park Service regulations, may direct the operator to take immediate and reasonable steps necessary for the safety of those aboard the vessel, including but not limited to directing the operator to:

(1) Correct the hazardous condition immediately;

(3) Proceed to a mooring, dock, or anchorage; or

(3) Suspend further use of the boat until the hazardous condition is corrected.

(c) Violation of such directions is prohibited.

§ 3.6 Prohibited operations.

The following are prohibited:

(a) Operating a vessel, or knowingly allowing another person to operate a vessel, in a reckless or negligent manner, or in a manner so as to endanger or be likely to endanger a person or property.

(b) Operating a vessel when under the influence of alcohol or controlled substance to a degree that may endanger oneself or another person or damage property or park resources.

(c) Failing to observe restrictions established by a regulatory marker.

(d) Operating a vessel in excess of 5 mph or creating a wake in designated areas or in the vicinity of a diver's marker, downed water skiier or swimmer.

(e) Operation of a vessel propelled by machinery within 500 feet of a designated swimming beach. This prohibition does not apply in locations such as rivers, channels, or narrow coves where passage is restricted to less than 500 feet. In such areas, the operation of a vessel in excess of 5 mph or creating a wake is prohibited.

(f) Allowing a person to ride on the gunwales, transom, or on the decking over the bow of a vessel propelled by machinery, operating in excess of 5 mph,

provided however, that this provision shall not apply under the following circumstances:

(1) When that portion of the vessel was designed and constructed for the purpose of carrying passengers safety at all speeds;

(2) When the vessel is being maneuvered for anchoring, mooring or casting off moorings.

(g) Attaching a vessel to or interfering with a marker, navigation buoy or other navigational aid.

(h) Using trailers to launch or recover vessels, except at designated launching sites.

(i) Launching a vessel propelled by machinery at other than designated launch sites.

(j) The launching or operating of airboats.

§ 3.7 Noise abatement.

Operating a vessel in or upon inland waters so as to exceed a noise level of 82 decibels measured at a distance of 50 feet from the vessel is prohibited. Testing procedures employed to determine such noise levels shall be in accordance with or equal to the Exterior Sound Level Measurement Procedure for Vessels recommended by the Society of Automotive Engineers SAE J34 (April 1973).

§ 3.20 Water skiing.

(a) The towing of persons on water skis, surfboards, parasails, or similar devices by vessels is prohibited, except in designated waters.

(b) Where towing is authorized, the following are prohibited:

(1) Towing between the hours of sunset and sunrise.

(2) Towing without one person (other than the operator) observing the progress of the person being towed.

(3) Towing a person who is not wearing a personal flotation device. If the person being towed is wearing a flotation device which is not approved by the United States Coast Guard, there must be an approved personal flotation device readily available in the towing vessel.

(4) Towing in channels or within 500 feet of designated harbors, swimming beaches, mooring areas or within 100 feet of a person fishing or swimming.

§ 3.21 Swimming and bathing.

(a) The following are prohibited:

(1) Swimming or bathing in closed areas.

(2) Swimming or bathing in violation of designated restrictions.

(3) Swimming from vessels which are underway, except in circumstances where a capable operator is on board and all propulsion machinery is off and/or sails are furled.

(b) The superintendent may prohibit the use of flotation devices within designated swimming beaches.

§ 3.22 Surfing.

The use of surfboards and similar rigid devices within designated swimming beaches is prohibited.

§ 3.23 Scuba and snorkeling.

The following are prohibited:

(a) SCUBA and snorkeling within designated swimming, docking, or mooring areas, except in accordance with conditions which may be established by the superintendent.

(b) Diving without displaying a standard diver flag.

PART 4—VEHICLES AND TRAFFIC SAFETY

2. By the addition of a new § 4.22 to Part 4 as follows:

§ 4.22 Hitchhiking.

Hitchhiking, or the solicitation of transportation, is prohibited.

PART 5—COMMERCIAL AND PRIVATE OPERATIONS

3. By removing and reserving the following sections in Part 5 as follows:

§ 5.11 [Reserved]

§ 5.12 [Reserved]

4. By removing the following sections in Part 5:

§ 5.15 [Removed]

§ 5.16 [Removed]

PART 6—MISCELLANEOUS FEES

5. By removing and reserving the following section in Part 6:

§ 6.1 [Reserved]

6. By removing the following section in Part 6:

§ 6.5 [Removed]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

7. By adding a new § 7.100 to Part 7 as follows:

§ 7.100 Appalachian National Scenic Trail

The use of bicycles, motorcycles, snowmobiles, or other motor vehicles is prohibited.

PART 12—NATIONAL CEMETERY REGULATIONS

8. By amending Part 12 as follows:

a. By revising § 12.1 to read as follows:

§ 12.1 Applicability and scope.

In addition to the regulations in Parts 1–7, the regulations in this part shall apply to the operation, maintenance, and administration of the national cemeteries.

§§ 12.2–12.4, 12.6 [Removed]

b. By removing §§ 12.2, 12.3, 12.4 and 12.6.

§ 12.5 [Redesignated as § 12.2]

§ 12.7–12.12 [Redesignated as §§ 12.3–12.8]

c. By redesignating § 12.5 as § 12.2 and § 12.7 through 12.12 as §§ 12.3 through 12.8 respectively.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-6899 Filed 3-16-82; 8:45 am]

BILLING CODE 4310-70-M

federal register

Wednesday
March 17, 1982

Part III

Office of Management and Budget

Cumulative Report on Budget Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Budget Rescissions and Deferrals

March 1, 1982.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of March 1, 1982 of twenty-five rescission proposals and 235 deferrals contained in the first nine messages of FY 1982. These messages were transmitted to the Congress on October 1, 20, 23, and 29, and November 6, and 13, 1981, and January 22, 1982, and February 8, and 19, 1982.

Rescissions (Table A and Attachment A)

Twenty-three rescission proposals totaling $10,673.6 million are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of March 1, 1982, while Attachment A shows the history and status of each rescission proposed during FY 1982.

Deferrals (Table B and Attachment B)

As of March 1, 1982, $4,061.1 million in 1982 budget authority was being deferred from obligation and another $4.8 million in 1982 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1982.

Information from special messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the **Federal Registers** of:

Vol. 46, No. 194, FR p. 49793, Wednesday, October 7, 1981
Vol. 46, No. 206, FR p. 52289, Monday, October 26, 1981
Vol. 46, No. 210, FR p. 54259, Friday, October 30, 1981
Vol. 46, No. 212, FR p. 54691, Tuesday, November 3, 1981
Vol. 46, No. 218, FR p. 55905, Thursday, November 12, 1981
Vol. 46, No. 223, FR p. 57019, Thursday, November 19, 1981
Vol. 47, No. 18, FR p. 4021, Wednesday, January 27, 1982
Vol. 47, No. 28, FR p. 6193, Wednesday, February 10, 1982
Vol. 47, No. 37, FR p. 8145, Wednesday, February 24, 1982

David A. Stockman,
Director.

TABLE A—STATUS OF 1982 RESCISSIONS

	Amount (in millions of dollars)
Rescissions proposed by the President	$10,761.8
Accepted by the Congress	0
Rejected by the Congress	−88.2
Pending before the Congress	[1] 10,673.6

[1] This amount includes $20.5 million in FY 1983 funds (R82-3).

TABLE B—STATUS OF 1982 DEFERRALS

	Amount (in millions of dollars)
Deferrals proposed by the President	$7,810.7
Routine Executive releases (−$3,538.8 million) and adjustments ($43.4 million) through March 1, 1982	−3,495.3
Overturned by the Congress	−249.5
Currently before the Congress	[1] 4,065.9

[1] This amount includes $4.8 million in outlays for a Department of the Treasury deferral (D82-23).

Attachments:

BILLING CODE 3110-01-M

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1982 AS OF 03/04/82 16:04

AS OF MARCH 1, 1982 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
FUNDS APPROPRIATED TO THE PRESIDENT							
International Development Assistance							
Functional development assistance program BA	R82- 4		8,129	2 8 82			
Sahel development program BA	R82- 5		2,500	2 8 82			
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA			10,629				
DEPARTMENT OF AGRICULTURE							
Extension Service							
Extension service BA	R82- 6		2,000	2 8 82			
DEPARTMENT OF AGRICULTURE TOTAL BA			2,000				
DEPARTMENT OF COMMERCE							
National Oceanic and Atmospheric Administration							
Coastal zone management BA	R82- 7		12,000	2 8 82			
Coastal energy impact fund BA	R82- 8		7,000	2 8 82			
DEPARTMENT OF COMMERCE TOTAL BA			19,000				
DEPARTMENT OF DEFENSE - MILITARY							
Procurement							
Aircraft procurement, Air Force BA	R82- 1	65,700		10 23 81		65,700	12 14 81
Missile procurement, Air Force BA	R82- 2	22,500		10 23 81		22,500	12 14 81
DEPARTMENT OF DEFENSE - MILITARY TOTAL BA		88,200				88,200	
DEPARTMENT OF EDUCATION							
Office of Elementary and Secondary Education							
Compensatory education for the disadvantaged BA	R82- 9		411,933	2 8 82			
Special programs and populations BA	R82-10		65,600	2 8 82			
Indian education BA	R82-11		6,255	2 8 82			

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1982 AS OF 03/04/82 16:04

AS OF MARCH 1, 1982 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Office of Special Education and Rehab. Services								
Education for the handicapped	BA	R82-12		258,572	2 8 82			
Rehabilitation services and handicapped research	BA	R82-13		91,171	2 8 82			
Office of Vocational and Adult Education								
Vocational and adult education	BA	R82-14		105,741	2 8 82			
Office of Postsecondary Education								
Student financial assistance	BA	R82-15		141,500	2 8 82			
Higher and continuing education	BA	R82-16		42,739	2 8 82			
Office of Educational Research and Improvement								
Libraries	BA	R82-17		22,110	2 8 82			
Departmental management								
Educ. res. & train. overseas (spec. for. curr.)	BA	R82-18		80	2 8 82			
Office of Bilingual Educ. & Minority Lang. Affairs								
Bilingual education	BA	R82-19		11,504	2 8 82			
DEPARTMENT OF EDUCATION TOTAL	BA			1,157,205				
DEPARTMENT OF ENERGY								
Energy Programs								
Energy conservation	BA	R82-20		20,000	2 8 82			
	BA							
DEPARTMENT OF ENERGY TOTAL	BA			20,000				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Subsidized housing programs	BA	R82-21		9,399,789	2 8 82			
Solar Energy and Energy Conservation Bank								
Assistance for solar and conserv. improvements	BA	R82-22		21,850	2 8 82			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL	BA			9,421,639				
DEPARTMENT OF LABOR								
Mine Safety and Health Administration								
Salaries and expenses	BA	R82-23		4,095	2 8 82			
	BA	R82-23A		-2,000	2 19 82		2,000	2 16 82

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1982 AS OF 03/04/82 16:04

AS OF MARCH 1, 1982 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF LABOR							
TOTAL BA			2,095			2,000	
DEPARTMENT OF TRANSPORTATION							
Federal Highway Administration							
Highway-related safety grants							
BA	R82-24		9,623	2 8 82			
DEPARTMENT OF TRANSPORTATION							
TOTAL BA			9,623				
OTHER INDEPENDENT AGENCIES							
Corporation for Public Broadcasting							
Public broadcasting fund							
BA	R82- 3		20,500a	11 6 81			
National Foundation on the Arts and Humanities							
Institute of Museum Services: Program operations							
BA	R82-25		10,877	2 8 82			
OTHER INDEPENDENT AGENCIES							
TOTAL BA			31,377				
TOTAL BA		88,200	10,673,568			90,200	

a. This is a proposal to rescind FY 1983 funds.

END OF REPORT

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 03/08/82 10:28

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-82
EXECUTIVE OFFICE OF THE PRESIDENT									
White House Office									
Salaries and Expenses	BA	D82- 27	366		10 20 81	-366			
Special Assistance to the President									
Salaries and Expenses	BA	D82- 28	28		10 20 81	-28			
Council of Economic Advisers									
Salaries and Expenses	BA	D82- 86	32		10 23 81	-32			
Council on Envir. Quality & Office of Envir. Qual.									
Salaries and Expenses	BA	D82- 29	9		10 20 81	-9			
Office of Policy Development									
Salaries and Expenses	BA	D82- 30	45		10 20 81	-45			
National Security Council									
Salaries and Expenses	BA	D82- 31	62		10 20 81	-62			
Office of Administration									
Salaries and expenses	BA	D82- 32	139		10 20 81	-139			
OMB, Office of Fed. Procurement Policy									
Salaries and expenses	BA	D82- 33	24		10 20 81	-24			
Office of Science and Technology Policy									
Salaries and expenses	BA	D82- 34	30		10 20 81	-30			
Office of the U.S. Trade Representative									
Salaries and expenses	BA	D82- 35	78		10 20 81	-78			
EXECUTIVE OFFICE OF THE PRESIDENT TOTAL	BA		813			-813			
FUNDS APPROPRIATED TO THE PRESIDENT									
Appalachian Regional Development Programs									
Appalachian regional development programs	BA	D82- 1	15,000		10 1 81				
	BA	D82- 1A		a	1 22 82				
	BA	D82- 1B		a	2 8 82				15,000
Disaster Relief									
Disaster relief	BA	D82-158	7,000		10 29 81	-7,000			
	BA	D82-159	138,000		10 29 81	-138,000			
International Security Assistance									
Foreign military credit sales	BA	D82-222	680,000		2 8 82	-480,000			200,000
Economic support fund	BA	D82-219	1,756,980		1 22 82	-794,775			962,205
Military assistance	BA	D82-223	129,512		2 8 82				129,512
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL	BA		2,726,492			-1,419,775			1,306,717
DEPARTMENT OF AGRICULTURE									
Office of the Secretary									
Office of the Secretary	BA	D82-160 *	29		10 29 81	-29			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 03/08/82 10:28

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-82
Agricultural Research Service								
Agricultural research service								
BA	D82-161	1,813		10 29 81	-1,813			
Cooperative State Research Service								
Cooperative state research service								
BA	D82-162	2,790		10 29 81	-2,790			
Extension Service								
Extension service								
BA	D82-163	1,990		10 29 81	-1,990			
National Agricultural Library								
National agricultural library								
BA	D82-164	93		10 29 81	-93			
Statistical Reporting Service								
Statistical reporting service								
BA	D82-165	198		10 29 81	-198			
Agricultural Cooperative Service								
Agricultural cooperative service								
BA	D82-166	39		10 29 81	-39			
Office of Internat. Cooperation and Development								
Scientific activities overseas								
BA	D82-167	700		10 29 81	-700			
Rural Electrification Administration								
Rural electr. and telephone revolving fund								
BA	D82-169	49,368b		10 29 81	-49,368			
Foreign Assistance Programs								
Expenses, P.L. 480								
BA	D82- 36	25,696		10 20 81	-25,696			
Agricultural Stabilization & Conservation Service								
Dairy and beekeeper indemnity programs								
BA	D82- 88	28		10 23 81	-28			
Agricultural conservation								
BA	D82- 87	8,600		10 23 81	-8,600			
Emergency conservation program								
BA	D82-168	1,400		10 29 81	-1,400			
Farmers Home Administration								
Salaries and expenses								
BA	D82-171	526		10 29 81	-526			
Rural housing for domestic farm labor								
BA	D82-173	1,750		10 29 81	-1,750			
BA	D82-224	10,728		2 8 82				10,728
Mutual and self-help housing								
BA	D82-174	490		10 29 81	-490			
Rural water and waste disposal								
BA	D82-170	8,680		10 29 81	-8,680			
Rural community fire protection grants								
BA	D82-172	490		10 29 81	-490			
Agricultural credit insurance fund								
BA	D82-175	1,316		10 29 81	-1,316			
Rural development insurance fund								
BA	D82-176	21,000		10 29 81	-21,000			
Soil Conservation Sevice								
Watershed and flood prevention operations								
BA	D82- 89	8,926		10 23 81	-8,926			
Animal and Plant Health Inspection Service								
Animal and plant health inspection service								
BA	D82- 90	4,125		10 23 81	-4,125			
Buildings and facilities								
BA	D82-177	236		10 29 81	-236			
Agricultural Marketing Service								
Payments to States and possessions								
BA	D82-178	210		10 29 81	-210			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 03/08/82 10:28

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-82
Food and Nutrition Service								
Food program administration								
BA	D82-209	487		11 6 81	-487			
Child nutrition programs								
BA	D82-210	472		11 6 81	-472			
Special supplemental food programs (WIC)								
BA	D82-211	13,831		11 6 81	-13,831			
Forest Service								
State and private forestry								
BA	D82- 92	776		10 23 81	-776			
BA	D82-179	657		10 29 81	-657			
Agricultural research								
BA	D82- 91	1,348		10 23 81	-1,348			
National forest system								
BA	D82- 93	12,516		10 23 81	-12,516			
BA	D82-180	1,059		10 29 81	-1,059			
Construction and land acquisition								
BA	D82- 94	6,693		10 23 81	-6,693			
Timber salvage sales								
BA	D82- 2	6,723		10 1 81				
BA	D82- 2A		561	1 22 82				7,284
Rangeland improvements								
BA	D82- 96	409		10 23 81	-109			
Acquisition of lands to complete land exchanges								
BA	D82- 95	6		10 23 81	-6			
Expenses, brush disposal								
BA	D82- 3	49,349		10 1 81				49,349
DEPARTMENT OF AGRICULTURE TOTAL BA		245,247	561		-178,447			67,361
DEPARTMENT OF COMMERCE								
General Administration								
Participation in U.S. expositions								
BA	D82- 4	507		10 1 81	-32			475
Bureau of the Census								
Periodic censuses and programs								
BA	D82-225	1,015		2 8 82				1,015
Economic and Statistical Analysis								
Salaries and expenses								
BA	D82- 97	420		10 23 81	-420			
Economic Development Administration								
Economic development assistance programs								
BA	D82- 98	38,855		10 23 81	-38,855			
Minority Business Development Agency								
Minority business development								
BA	D82- 99	857		10 23 81	-857			
BA	D82-226	5,000		2 8 82				5,000
United States Travel Service								
Salaries and expenses								
BA	D82-181	287		10 29 81	-287			
National Oceanic and Atmospheric Administration								
Operations, research, and facilities								
BA	D82-100	12,891		10 23 81	-12,891			
Construction								
BA	D82- 5	2,000		10 1 81				
BA	D82- 5A		a	1 22 82				2,000
National Telecom. and Information Admin.								
Salaries and expenses								
BA	D82-101	277		10 23 81	-277			
DEPARTMENT OF COMMERCE TOTAL BA		62,109			-53,619			8,490

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 03/08/82 10:28

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-82
DEPARTMENT OF DEFENSE-MILITARY								
Procurement								
Shipbuilding and conversion, Navy								
BA	D82-227	1,275,000		2 8 82				1,275,000
Military Construction								
Military construction, all services								
BA	D82- 6	38,837		10 1 81	-33,799		33,799	
BA	D82- 6A		14,101	1 22 82				
BA	D82- 6B		714,785	2 8 82	-293,968		5,711	479,466
Family Housing, Defense								
Family housing, Defense								
BA	D82- 7	1,992		10 1 81	-1,992			
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA		1,315,829	728,886		-329,759		39,510	1,754,466
DEPARTMENT OF DEFENSE-CIVIL								
Cemeterial Expenses, Army								
Salaries and expenses								
BA	D82- 37	85		10 20 81	-85			
Corps of Engineers								
General investigations								
BA	D82- 38	2,068		10 20 81	-2,068			
Construction, general								
BA	D82- 39	14,284		10 20 81	-14,284			
General expenses								
BA	D82- 40	370		10 20 81	-370			
Special recreation use fees								
BA	D82- 41	59		10 20 81	-59			
Soldiers and Airmen s Home								
Operation and maintenance								
BA	D82- 42	63		10 20 81	-63			
Wildlife Conservation, Military Reservations								
Wildlife conservation, all services								
BA	D82- 8	597		10 1 81	-8		8	
BA	D82- 8A		433	1 22 82				1,030
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA		17,526	433		-16,937		8	1,030
DEPARTMENT OF ENERGY								
Energy Programs								
Fossil energy R&D								
BA	D82-105	14,769		10 23 81	-14,769			
Fossil energy construction								
BA	D82- 9	135,000		10 1 81		-135,000		
Gen. science & research-plant & capital								
BA	D82-102	1,682		10 23 81	-1,682			
Energy supply R&D-operating expenses								
BA	D82-103	49,393		10 23 81	-49,393			
BA	D82-228	4,000		2 8 82				4,000
Energy supply R&D-plant and capital equip.								
BA	D82-104	11,949		10 23 81	-11,949			
Energy conservation								
BA	D82-106	14,007		10 23 81	-14,007			
Strategic Petroleum Reserve								
BA	D82- 10	8,000		10 1 81				
BA	D82- 10A		52,860	2 8 82				60,860
Energy information administration								
BA	D82-107	2,042		10 23 81	-2,042			
Economic regulation								
BA	D82-108	2,436		10 23 81	-2,436			
Federal Energy Regulatory Commission								
BA	D82-109	490		10 23 81	-490			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 03/08/82 10:28

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE		DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-82
Geothermal resources development fund									
BA	D82-110	18			10 23 81	-18			
BA	0000								
DEPARTMENT OF ENERGY TOTAL BA		243,786	52,860			-96,786	-135,000		64,860
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Services Administration									
Health Services									
BA	D82- 11	1,508			10 1 81				1,508
Indian health services									
BA	D82-212	10,950			11 6 81	-10,950			
Centers for Disease Control									
Preventive Health Services									
BA	D82-213	791			11 6 81	-791			
Alcohol, Drug Abuse & Mental Health Administration									
Construction & renovation, St. Elizabeths Hospital									
BA	D82- 12	11,500			10 1 81				
BA	D82- 12A			a	1 22 82				11,500
Office of Assistant Secretary for Health									
Health services management									
BA	D82-214	1,142			11 6 81	-1,142			
Special foreign currency program									
BA	D82- 13	7,000			10 1 81				
BA	D82- 13A			a	1 22 82				7,000
Health Care Financing Administration									
Program management									
BA	D82-215	420			11 6 81	-420			
Social Security Administration									
Refugee assistance									
BA	D82- 43	10,000			10 20 81	-10,000			
Cuban and Haitian entrants, reception & process.									
BA	D82- 44	4,900			10 20 81	-4,900			
BA	D82- 44A			a	1 22 82				
Cuban and Haitian entrants, domestic asst.									
BA	D82- 45	37,000			10 20 81				
BA	D82- 45A		11,398		1 22 82	-48,398			
Human Development Services									
Work incentives									
BA	D82-216	10,523			11 6 81	-10,523			
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA		95,734	11,398			-87,124			20,008
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Housing Programs									
Subsidized housing programs									
BA	D82-182	79,218			10 29 81	-79,218			
Payments for operation of low income housing									
BA	D82-183	102,452			10 29 81	-102,452			
Housing for the elderly or handicapped									
BA	D82-111	14,294			10 23 81	-14,294			
Solar Energy and Energy Conserv. Bank									
Assist. for solar and conserv. improvements									
BA	D82-184	3,500			10 29 81	-3,500			
Community Planning and Development									
Community development support assistance									
BA	D82-112	61,589			10 23 81	-61,589			
Urban development action grants									
BA	D82-113	8,412			10 23 81	-8,412			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 03/08/82 10:28

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-82
Rehabilitation loan fund	BA	D82-185	26,959		10 29 81	-26,959			
Neighborhoods, Vol. Assoc. & Consumer Prot.									
Housing counseling assistance	BA	D82- 46	207		10 20 81	-207			
Policy Development and Research									
Research and technology	BA	D82- 47	420		10 20 81	-420			
Fair Housing and Equal Opportunity									
Fair housing assistance	BA	D82- 48	96		10 20 81	-96			
Management and Administration									
Salaries and expenses	BA	D82-186	3,590		10 29 81	-3,590			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL	BA		300,737			-300,737			
DEPARTMENT OF THE INTERIOR									
Bureau of Land Management									
Acquisition, construction and maintenance	BA	D82- 49	121		10 20 81	-121			
Range improvements	BA	D82-114	237		10 23 81	-237			
Bureau of Reclamation									
Loan program	BA	D82-115	792		10 23 81	-792			
Construction program	BA	D82-116	4,603		10 23 81	-4,603			
General investigations	BA	D82-117	944		10 23 81	-944			
Operations and maintenance	BA	D82-118	64		10 23 81	-64			
General administrative expenses	BA	D82-119	353		10 23 81	-353			
Office of Water Research & Technology									
Salaries and expenses	BA	D82-120	600		10 23 81	-600			
U.S. Fish and Wildlife Service									
Resource management	BA	D82-121	5,815		10 23 81	-5,815			
Construction and anadromous fish	BA	D82- 50	392		10 20 81	-392			
National Park Service									
Urban park and recreation grants	BA	D82-125	1,400		10 23 81	-1,400			
Operation of the National Park Service	BA	D82-122	5,216		10 23 81	-5,216			
John F. Kennedy Center for the Performing Arts	BA	D82-124	40		10 23 81	-40			
Construction	BA	D82-123	5,207		10 23 81	-5,207			
Land and water conservation fund	BA	D82-126	16,256		10 23 81	-16,256			
	BA	D82- 14	30,000		10 1 81				
	BA	D82- 14A		a	2 8 82				30,000
Historic preservation fund	BA	D82-218	108		11 13 81	-108			
Geological Survey									
Surveys, investigations and research	BA	D82- 51	9,019		10 20 81	-9,019			
Exploration of National Petroleum Res. in Alaska	BA	D82- 52	80		10 20 81	-80			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 03/08/82 10:28

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-82
Payments from proceeds, sale of water	BA	D82- 15	45		10 1 81				45
Office of Surface Mining Reclam. and Enforcement									
Regulation and technology	BA	D82- 53	1,245		10 20 81	-1,245			
Bureau of Mines									
Drainage of anthracite mines	BA	D82- 16	991		10 1 81				
	BA	D82- 16A			2 8 82				991
Mines and minerals	BA	D82- 54	2,600		10 20 81	-2,600			
Bureau of Indian Affairs									
Operation of Indian programs	BA	D82-127	16,607		10 23 81	-16,607			
Construction	BA	D82-128	148		10 23 81	-148			
Road construction	BA	D82-129	279		10 23 81	-279			
Office of Territorial Affairs									
Administration of territories	BA	D82- 55	2,439		10 20 81	-2,439			
Trust territory of the Pacific Islands	BA	D82- 56	2,068		10 20 81	-2,068			
Office of the Solicitor and Office of the Secy									
Departmental management	BA	D82-130	414		10 23 81	-414			
Youth conservation corps	BA	D82-131	2,494		10 23 81	-2,494			
DEPARTMENT OF THE INTERIOR TOTAL BA			110,577			-79,541			31,036
DEPARTMENT OF JUSTICE									
General Administration									
Salaries and expenses	BA	D82-187	250		10 29 81	-250			
	BA	D82-188	196		10 29 81	-196			
United States Parole Commission									
Salaries and expenses	BA	D82-189	60		10 29 81	-60			
Legal Activities									
Salaries and expenses, Antitrust Division	BA	D82-190	81		10 29 81	-81			
Salaries and expenses, Foreign Claims Settl.	BA	D82-191	12		10 29 81	-12			
Federal Prison System									
Buildings and facilities	BA	D82-192	1,922		10 29 81	-1,922			
	BA	D82- 17	2,700		10 1 81				
	BA	D82- 17A			2 8 82				2,700
Office of Justice Assist., Res., and Statistics									
Law enforcement assistance	BA	D82-193	10,729		10 29 81	-10,729			
DEPARTMENT OF JUSTICE TOTAL BA			15,950			-13,250			2,700
DEPARTMENT OF LABOR									
Employment and Training Administration									
Employment and training assistance	BA	D82-194	407,670		10 29 81	-407,670			
	BA	D82-229	88,543		2 8 82				88,543
	BA	D82- 18	49,881		10 1 81	-49,881			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 03/08/82 10:28

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-82
Occupational Safety and Health Admin.									
Salaries and expenses	BA	D82-195	8,500		10 29 81	-8,500			
DEPARTMENT OF LABOR TOTAL BA			554,594			-466,051			88,543
DEPARTMENT OF STATE									
Administration of Foreign Affairs									
Emergencies in dipl. and consular service	BA	D82- 58	84		10 20 81	-84			
Acquis., oper. and main. of buildings abroad	BA	D82- 57	514		10 20 81	-514			
International Commissions									
Salaries and expenses	BA	D82- 59	80		10 20 81	-80			
Construction	BA	D82- 60	20		10 20 81	-20			
American sections, internat. commissions	BA	D82- 61	25		10 20 81	-25			
Other									
Emergency refugee and migration assistance fund	BA	D82- 19	35,043		10 1 81				
	BA	D82- 19A		100	1 22 82				35,143
U.S. bilateral science and technology agreements	BA	D82-230	1,000		2 8 82				1,000
DEPARTMENT OF STATE TOTAL BA			36,766	100		-723			36,143
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration									
Civil supersonic aircraft development termination	BA	D82- 20	3,446		10 1 81	-3,400			46
Facilities & equip. (Airport & airway trust fund)	BA	D82- 21	185,783		10 1 81				
	BA	D82- 21A		164,730	1 22 82				350,513
Federal Railroad Administration									
Grants to National Railroad Passenger Corp.	BA	D82-217	93,400		11 6 81	-12,740	-80,660		
Maritime Administration									
Ship construction	BA	D82-231	10,000		2 8 82				10,000
Research and Special Programs Administration									
Research and special programs	BA	D82-220	1,050		1 22 82				1,050
DEPARTMENT OF TRANSPORTATION TOTAL BA			293,679	164,730		-16,140	-80,660		361,609
DEPARTMENT OF THE TREASURY									
Office of the Secretary									
International affairs	BA	D82-196	109		10 29 81	-109			
Office of Revenue Sharing									
Salaries and expenses	BA	D82-197	26		10 29 81	-26			
State and local government fiscal assistance fund	BA	D82- 22	109,738		10 1 81	-4,122		676	106,292
	O	D82- 23	6,287		10 1 81	-4,812		3,316	4,791
Federal Law Enforcement Training Center									
Construction	BA	D82- 24	4,200		10 1 81				4,200
Salaries and expenses	BA	D82-198	240		10 29 81	-240			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 03/08/82 10:28

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-82
Bureau of Government Financial Operations								
New York City loan guarantee program BA	D82-199	16		10 29 81	-16			
Chrysler Corporation loan guarantee program BA	D82-200	23		10 29 81	-23			
Bureau of Alcohol, Tobacco and Firearms								
Salaries and expenses BA	D82-201	1,039		10 29 81	-1,039			
Bureau of the Mint								
Expansion and improvements BA	D82-132	70c		10 23 81			-70	
Internal Revenue Service								
Payment where energy credit exceeds liab. for tax BA	D82-202	8		10 29 81	-8			
DEPARTMENT OF THE TREASURY TOTAL BA		115,469			-5,583		606	110,492
TOTAL O		6,287			-4,812		3,316	4,791
ENVIRONMENTAL PROTECTION AGENCY								
Research and development BA	D82-133	1,889		10 23 81	-1,889			
Abatement, control and compliance BA	D82-134	8,062		10 23 81	-8,062			
Buildings and facilities BA	D82-135	69		10 23 81	-69			
Hazardous substance response trust fund BA	D82-136	3,360		10 23 81	-3,360			
BA	0000							
ENVIRONMENTAL PROTECTION AGENCY TOTAL BA		13,380			-13,380			
NATIONAL AERONAUTICS & SPACE ADMINISTRATION								
Construction of facilities BA	D82-137	2,800		10 23 81	-2,800			
BA	0000							
NATIONAL AERONAUTICS & SPACE ADMINISTRATION TOTAL BA		2,800			-2,800			
VETERANS ADMINISTRATION								
Medical and prosthetic research BA	D82-138	2,583		10 23 81	-2,583			
Medical admin. and misc. operating expenses BA	D82-139	921		10 23 81	-921			
Construction, major projects BA	D82-140	91,300		10 23 81		-33,800		57,500
BA	D82-141	7,877		10 23 81	-7,877			
Construction, minor projects BA	D82-142	907		10 23 81	-907			
BA	0000							
VETERANS ADMINISTRATION TOTAL BA		103,588			-12,288	-33,800		57,500

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 03/08/82 10:28

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-82
OTHER INDEPENDENT AGENCIES								
ACTION								
Operating expenses, domestic programs	BA D82- 62	2,896		10 20 81	-2,896			
Administrative Conference of the U. S.								
Salaries and expenses	BA D82-143	16		10 23 81	-16			
Advisory Committee on Federal Pay								
Salaries and expenses	BA D82-144	4		10 23 81	-4			
Arms Control and Disarmament Agency								
Arms control and disarmament agency	BA D82- 63	282		10 20 81	-282			
Board for International Broadcasting								
Salaries and expenses	BA D82- 64	252		10 20 81	-252			
Comm. for the Purchase From the Blind								
Salaries and expenses	BA D82- 65	10		10 20 81	-10			
District of Columbia								
Loans for capital outlay	BA D82-232	38,832		2 8 82				38,832
Equal Employment Opportunity Commission								
Salaries and expenses	BA D82-145	3,000		10 23 81	-3,000			
Federal Emergency Management Agency								
State and local assistance	BA D82-205	1,814		10 29 81	-1,814			
National flood insurance fund	BA D82-203	7,140		10 29 81	-7,140			
	BA D82-204	358,860		10 29 81	-358,860			
General Services Administration								
Consumer information center	BA D82- 68	26		10 20 81	-26			
Nat. Archives & Records Service-operating	BA D82- 66	140		10 20 81	-140			
Federal Property Resources Service-operating	BA D82- 67	748		10 20 81	-748			
Automated Data & Telecom. Service-operating	BA D82-206	120		10 29 81	-120			
Advisory Commission on Intergovt. Relations								
Salaries and expenses	BA D82- 69	10		10 20 81	-10			
Delaware River Basin Commission								
Salaries and expenses	BA D82- 70	2		10 20 81	-2			
Contribution to the Del. River Basin Comm.	BA D82- 71	4		10 20 81	-4			
Interstate Commission on the Potomac River Basin								
Contrib. to Interst. Comm. on Potomac Riv. Basin	BA D82- 72	1		10 20 81	-1			
Susquehanna River Basin Commission								
Salaries and expenses	BA D82- 73	1		10 20 81	-1			
Contrib. to the Susquehanna River Basin Comm.	BA D82- 74	1		10 20 81	-1			
International Communication Agency								
Salaries & expenses	BA D82- 75	4,680		10 20 81	-4,680			
Center for cul. and tech. exch. bet. east & west	BA D82- 76	125		10 20 81	-125			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 03/08/82 10:28

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-82
Interstate Commerce Commission								
Salaries and expenses								
BA	D82-146	648		10 23 81	-648			
Japan-U.S. Friendship Commission								
Japan-U.S. Friendship Commission trust fund								
BA	D82- 77	34		10 20 81	-34			
Marine Mammal Commission								
Salaries and expenses								
BA	D82- 78	11		10 20 81	-11			
National Capital Planning Commission								
Salaries and expenses								
BA	D82-207	19		10 29 81	-19			
National Foundation on the Arts & Humanities								
Nat. endowment for the arts: sal. & expenses								
BA	D82-147	11,208		10 23 81	-11,208			
Nat. endowment for the human.: sal. and expenses								
BA	D82-208	5,892		10 29 81	-5,892			
Nat. endowment for the human.: matching grants								
BA	D82-148	2,628		10 23 81	-2,628			
National Mediation Board								
Salaries and expenses								
BA	D82- 79	58		10 20 81	-58			
National Science Foundation								
Research and related activities								
BA	D82- 80	19,924		10 20 81	-19,924			
Scientific activities overseas								
BA	D82- 81	59		10 20 81	-59			
Science and engineering educ. activities								
BA	D82- 82	2,623		10 20 81	-2,623			
Neighborhood Reinvestment Corporation								
Payment to Neighborhood Reinvest. Corp.								
BA	D82- 83	181		10 20 81	-181			
Pennsylvania Avenue Development Corporation								
Salaries and expenses								
BA	D82-149	15		10 23 81	-15			
Public development								
BA	D82-150	239		10 23 81	-239			
Land acquisition and development fund								
BA	D82-151	42		10 23 81	-42			
BA	D82- 25	30,896		10 1 81	-10,000			
BA	D82- 25A		a	2 8 82				20,896
Selective Service System								
Salaries and expenses								
BA	D82- 84	192		10 20 81	-192			
Small Business Administration								
Salaries and expenses								
BA	D82-152	3,137		10 23 81	-3,137			
Business loan and investment fund								
BA	D82-233	2,500		2 8 82				2,500
Surety bond guarantees revolving fund								
BA	D82-154	373		10 23 81	-373			
BA	D82-234	3,000		2 8 82				3,000
Lease guarantees revolving fund								
BA	D82-153	67		10 23 81	-67			
Smithsonian Institution								
Museum programs and related research								
BA	D82-155	231		10 23 81	-231			
Restoration and renovation of buildings								
BA	D82-156	145		10 23 81	-145			
Motor Carrier Ratemaking Study Commission								
Salaries and Expenses								
BA	D82- 26	150		10 1 81				150

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1982 AS OF 03/08/82 10:28

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-82
Pres. Com. for the Study of Ethical Probs. in Med.									
Salaries and expenses	BA	D82-221	262		1 22 82				262
Tennessee Valley Authority									
Tennessee Valley Authority fund	BA	D82-157	2,321		10 23 81	-2,321			
United States Railway Association									
Payments for purchase of Conrail securities	BA	D82-235	84,500		2 8 82				84,500
Water Resources Council									
Water resources planning	BA	D82- 85	42		10 20 81	-42			
OTHER INDEPENDENT AGENCIES	TOTAL BA		590,361			-440,221			150,140
	TOTAL BA		6,845,437	958,968		-3,533,974	-249,460	40,124	4,061,095
	TOTAL O		6,287			-4,812		3,316	4,791

a. This report was transmitted solely to reflect technical adjustments to the previous report.

b. Off-budget.

c. This deferral was reported in error. Funds for this budget account were not withheld.

END OF REPORT

[FR Doc. 82-7196 Filed 3-16-82; 8:45 am]
BILLING CODE 3110-01-C

Reader Aids

Federal Register

Vol. 47, No. 52

Wednesday, March 17, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MARCH

8547-8748.....1
8749-8976.....2
8977-9184.....3
9185-9386.....4
9387-9804.....5
9805-9980.....8
9981-10198.....9
10199-10502.....10
10503-10762.....11
10763-11000.....12
11001-11242.....15
11243-11494.....16
11495-11640.....17

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
Ch. III.....11024

3 CFR

Administrative Orders:
Presidential determination:
No. 82-7 of February 10, 1982.....9805
Proclamations:
3279 (Amended by Proc. 4907).....10507
4707 (Amended by Proc. 4904).....8753
4768 (Amended by Proc. 4904).....8753
4801 (See Proc. 4904).....8753
4884 (See Proc. 4904).....8753
4887 (See Proc. 4904).....8753
4902.....8549
4903.....8751
4904.....8753
4905.....8977
4906.....9807
4907.....10507
4908.....10763
4909.....10765
Executive Orders:
September 22, 1866 (Revoked by PLO 6171).....9838
June 13, 1902 (Revoked by PLO 6184).....10213
July 2, 1910 (Revoked in part by PLO 6177).....9840
March 29, 1922 (Revoked by PLO 6175).....9839
April 17, 1926 (Revoked in part by PLO 6173).....9838
3655 (Revoked by PLO 6175).....9839
3893 (See PLO 6171).....9838
5683 (Revoked by PLO 6193).....10214
11888 (Amended by EO 12349).....8749
11954 (Revoked by EO 12348).....8547
12074 (Revoked by EO 12350).....10503
12193 (See EO 12531).....10505
12295 (See EO 12351).....10505
12348.....8547
12349.....8749
12350.....10503
12351.....10505

5 CFR

Ch. XIV.....9185
737.....9694
2430.....11243
Proposed Rules:
410.....10855
831.....9470

7 CFR

0.....10509
29.....8979
51.....9185
285.....10767
301.....8982
719.....9981
724.....10770
725.....10772
726.....10773
907.....9188, 10509
910.....9188, 9387, 10724
928.....10775
959.....8551
981.....9809
982.....10775
1093.....11495
1094.....10510
1421.....9188
1435.....9194
1446.....8553
1475.....9981
1701.....9387
1823.....11509
Proposed Rules:
729.....9972, 10045
985.....8784
1004.....10230
1006.....10203
1007.....10053, 10203
1011.....10203
1012.....10203
1030.....11283
1046.....10203
1094.....10203
1096.....10203
1098.....10203
1425.....11284
1701.....8785, 10057, 11285
1861.....11521
1944.....10566
1951.....11521
2900.....8786

8 CFR

238.....8759, 9982
316a.....10776
328.....10776
332.....10776

332a.....10776
334.....10776
335.....10776
335b.....10776
336.....10776
339.....10776
344.....10776

9 CFR

72.....11001
82.....11243
92.....11509
112.....8759
318.....10779
319.....10779
381.....10779

Proposed Rules:

92.....9854
309.....10856
317.....9471
381.....9471, 10856

10 CFR

1.....9983
2.....9983, 9987
14.....8983
25.....9194
73.....11511
95.....9194
440.....9014
790.....8555
1004.....9995

Proposed Rules:

Ch. I.....8788
463.....11178
508.....10589
794.....9017

12 CFR

204.....8987
207.....8988
217.....8987
220.....8988
221.....8988
224.....8988
303.....9810
308.....9811
545.....10785
546.....10788
555.....10785
561.....10785
576.....10788
584.....10785
701.....10199
1204.....11246

Proposed Rules:

Ch. II.....9017
207.....8788
220.....8788
221.....8788
545.....9472, 9855
561.....10858
563.....9472, 10511
564.....10858
615.....11536
701.....10232, 10234

13 CFR

120.....8990

14 CFR

39.....8555–8561, 9196, 9812–9815, 10511, 11002–11008
71.....8562, 9816, 9817, 10512, 10513, 11009
73.....8563, 11010
75.....9200, 9817
91.....10514
97.....9818
121.....10515
202.....10516
208.....9819
213.....10517
241.....9744
314.....9744
385.....9200, 10200, 10517
389.....10518

Proposed Rules:

Ch. I.....11026
21.....9360, 9859
23.....9360
36.....9360
39.....10591, 11034–11037
71.....8595, 9222, 9224, 9860, 10592–10594, 11038
75.....8596, 9222
91.....9360
121.....9360, 10748
135.....9360, 10748
139.....9360

15 CFR

370.....11247
371.....11247
373.....11247
376.....9201, 11247
379.....9201, 11247
385.....9201, 11247
386.....11247
399.....9201, 11247
904.....9820, 10200
970.....11512
2301.....11228

Proposed Rules:

904.....9861

16 CFR

13.....9388, 9821
1700.....10201

Proposed Rules:

13.....11285
1700.....10235

17 CFR

155.....11250
200.....11380
201.....11380
211.....10789, 11475
229.....11380
230.....11251, 11380
231.....11476
239.....11251, 11380
240.....9388, 11476
241.....10792, 11380
249.....11380
250.....11380
260.....11380
271.....10518
274.....10518, 11380

Proposed Rules:

12.....9225
180.....9225
190.....8789
230.....11482
239.....11288, 11482
240.....11482

18 CFR

35.....8991
260.....10202
271.....8564, 8565, 10203
410.....9206

Proposed Rules:

141.....10237
271.....8596, 10237–10242
273.....8596
274.....8596

19 CFR

212.....9389

Proposed Rules:

10.....9225
18.....9225
19.....9225
24.....9225
113.....9225
125.....9225
132.....9225
142.....9225
144.....9225
177.....10058

20 CFR

Proposed Rules:

404.....8789

21 CFR

5.....8761, 11269
14.....8763
20.....10804
73.....10804
81.....10804
131.....11270
145.....9997
172.....8763
175.....9395
176.....9998
178.....9999
211.....9395
331.....9395
436.....9395
450.....9395
520.....9395, 10805
522.....9398, 10805, 10806
524.....10807
556.....9395
558.....8764, 8765, 9394, 9398, 10807, 10808
573.....9395
610.....9395
630.....9395
701.....9395
801.....9395
1308.....11513

22 CFR

22.....9999
201.....8766

23 CFR

12.....10522
660.....10525
668.....10529
712.....10529

Proposed Rules:

628.....9247

24 CFR

111.....8991
200.....9206
201.....10204
203.....10205
213.....10205
234.....10205
570.....9822
885.....9206

26 CFR

1.....11515
31.....11275
35.....11275
26.....8995
150.....8995

Proposed Rules:

1.....11296
51.....9018

28 CFR

0.....9822, 10809
13.....11516
570.....9755, 10206
571.....9755

29 CFR

1401.....10530
1402.....10530
1404.....9823
1410.....10530
1420.....10530
1425.....10530
2704.....10000

30 CFR

19.....11368
23.....11369
36.....11371
910.....10372

Proposed Rules:

Ch. VII.....10058
55.....10190
57.....10190
415.....9862
816.....10501, 10742
817.....10501, 10742

31 CFR

209.....9823

32 CFR

1 through 39.....9399
41.....10162

Proposed Rules:

299.....8791
632.....8790

33 CFR

84.....10531
85.....10531
86.....10531
117.....8566, 9825, 10532, 11010
140.....9366
141.....9366
142.....9366
143.....9366, 11011
144.....9366, 10533
146.....9366
147.....9366
149.....10533
175.....10533

Proposed Rules:

100.....9863
117.....8597–8599, 9864, 10595
159.....9248
401.....11039

34 CFR

645.....9158
646.....9150
776.....9786

35 CFR

10.....9207

36 CFR

7.....11011
907.....8767

Proposed Rules:

1.....11598
2.....11598
3.....11598
4.....11598
5.....11598
6.....11598
7.....11598
12.....11598

38 CFR

1.....11279
3.....11012
17.....10809
36.....9826

Proposed Rules:

21.....11041

39 CFR

111.....10206

Proposed Rules:

775.....10859

40 CFR

6.....9827, 9831
52.....8566, 8772, 9462, 9463, 9832–9836, 10206, 10208, 10534, 10535, 10813, 11013, 11280
62.....10004, 10535
81.....10208, 11014
122.....10006
141.....8997,10998
180.....8998–9001, 10210–10212, 10536
256.....9002–9005
260.....9007
264.....10006
265.....9802, 10006

Proposed Rules:

Ch. I.....9477, 9864
33.....8960
52.....9019, 9478–9481, 10058, 10860, 11042, 11045
80.....11536
81.....8791, 9019, 10243
85.....8606
86.....8606, 11536
122.....8792, 10861, 11538
123.....8792, 9336, 9865, 10861, 10862, 11538
124.....8792, 10861, 11538
141.....9350
142.....9796
146.....8792, 10861, 11538
180.....9025, 10244, 10596
260.....9336, 9865
262.....9336, 9865
265.....8606, 10059
300.....10972
799.....10597
1510.....10862

41 CFR

1–4.....8774
5–53.....11017
5–63.....11019
5A–53.....11017, 11019
5B–15.....11019
5B–63.....11019
8–1.....8777
29–1.....11374
101–11.....11281
101–26.....8779
101–37.....8777
101–41.....11281

Proposed Rules:

101–41.....11296

42 CFR

447.....8567

43 CFR

3420.....9008

Public Land Orders:

648 (Revoked in part by PLO 6185).....10825
1314 (Revoked by PLO 6179).....9840
1642 (Revoked by PLO 6186).....10213
3500 (Revoked in part by PLO 6194).....10215
3633 (Revoked by PLO 6191).....10214
3964 (Revoked by PLO 6178).....9840
4839 (Revoked by PLO 6195).....10215
4448 (Revoked in part PLO 6198).....11282
5490 (See PLO 6178).....9840
5844 (See PLO's 6020 and 6196).....10826
5992 (Corrected by PLO 6197).....11022
6020 (Corrected by PLO 6196).....10826
6098 (Corrected by PLO 6199).....11517
6127.....11022
6149.....8779
6143.....10537
6171.....9838
6172.....9838
6173.....9838
6174.....9839
6175.....9839
6176.....9839
6177.....9840
6178.....9840
6179.....9840
6180.....9841
6181.....9841
6182.....9842
6183.....9842
6184.....10213
6185.....10825
6186.....10213
6187.....10213
6188.....10825
6189.....10826
6190.....10214
6191.....10214
6192.....10826
6193.....10214
6194.....10215
6195.....10215
6196.....10826
6197.....11022
6198.....11282
6199.....11517
6200.....11282

Proposed Rules:

3140.....8734, 9026

44 CFR

64.....10827, 10829
65.....10006, 10215, 10538, 10830
67.....10006, 10540
70.....10007–10018
205.....10553
312.....11297
351.....10758

Proposed Rules:

67.....9865, 10059–10063, 10245
312.....11297

45 CFR

13.....10834
46.....9208
301.....8568
400.....10841
401.....10841
500.....10850
531.....11850
605.....8570

Proposed Rules:

1050.....10598
1067.....10598
1068.....10598

46 CFR

25.....10558
33.....10558
67.....8581
75.....10558
94.....10558
108.....10558
160.....10558
162.....10558
164.....10558
180.....10558
192.....10558
524.....10217
530.....10851

Proposed Rules:

Ch. IV.....10600
10.....11046
536.....10862

47 CFR

1.....9208, 10852
2.....9464, 11022
21.....10852
22.....10018
23.....10852
25.....10852
42.....10559
43.....10852
67.....9170
68.....10219
73.....8583, 8779–8782, 9208–9214, 10219, 10560, 10852, 11023
74.....9214
76.....8783
78.....10852
83.....10220
87.....10852
90.....10852, 11022
94.....10852
99.....11022

Proposed Rules:

Ch. I.....10863
1.....10871
2.....9249
15.....9249
43.....10871
73.....8792–8797, 9249, 9482, 10259–10261, 10601, 10603, 11046
74.....9251
81.....9249
83.....9249
90.....10064
97.....8798

48 CFR

Proposed Rules:

32.....10878

49 CFR

192.....9842
1011.....9466
1033.....9010, 11518
1100.....9011
1111.....9844
1201.....9466
1206.....9466
1207.....9466
1241.....10041
1249.....9468

Proposed Rules:

171.....9346, 9865
172.....9346, 9865
387–399.....10066, 10610
391.....9256
571.....9865
1137.....8801
1201.....11539
1244.....11541
1310.....8801

50 CFR

611.....10227
671.....10043, 10044, 10228, 10853

Proposed Rules:

17.....9483, 9867
18.....9869
228.....9027
611.....11299
640.....10878
651.....10605

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

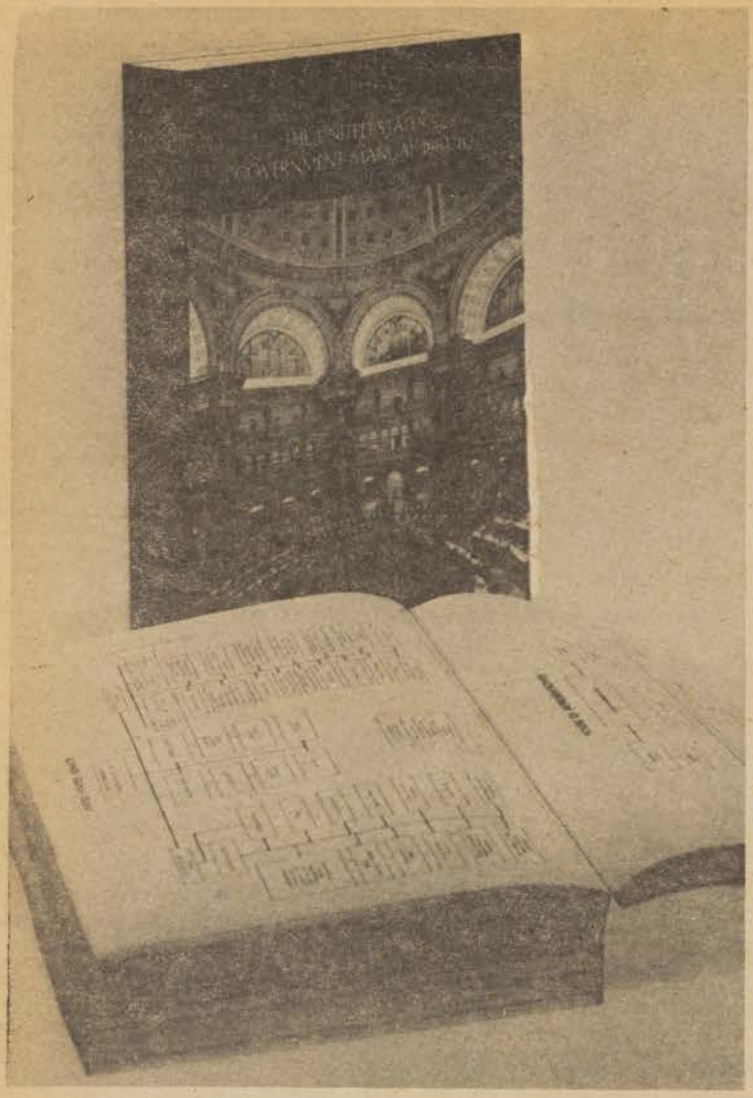
Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing March 12, 1982



Now available

United States Government Manual 1981/82

As the official handbook of the Federal Government, the *Manual* is the best source of information on the activities, functions, organization, and principal officials of the agencies of the legislative, judicial, and executive branches. It also includes information on quasi-official agencies, international organizations in which the United States participates, and boards, committees, and commissions.

For those citizens interested in where to go and who to see about a subject of particular concern, the *Manual* provides the "Guide to Government Information" section, a reference to an agency's statement of organization in the *Federal Register* or *Code of Federal Regulations,* and comprehensive name, subject, and agency indexes. Particularly helpful is each agency's "Sources of Information" section, which provides addresses and telephone numbers for obtaining specifics on consumer activities, contracts and grants, employment, publications and films, and many other areas of citizen interest.

Of significant historical interest is Appendix A, which describes the agencies and functions of the Federal Government abolished or transferred subsequent to March 4, 1933.

$11.00 per copy

ORDER FORM Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $_____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

Master Card and Visa accepted.

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me _____ copies of the United States Government Manual, 1981/82, at $11.00 per copy. Stock No. 022-033-01075-1

Name—First, Last

Company name or additional address line

Street address

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		