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Presidential Documents

Title 3—

The President

Proclamation 4925 of April 6, 1982

Parliamentary Emphasis Month, 1982

By the President of the United States of America
A Proclamation

In this the birth month of Thomas Jefferson, author of the first American manual on parliamentary practice, it is fitting that we reflect upon the importance of parliamentary procedure in the meetings of our private and public organizations. These procedures protect individual rights and majority rule and they assure orderly deliberation.

The Congress of the United States has, by Senate Joint Resolution 102, authorized and requested the President to designate the month of April, 1982, as Parliamentary Emphasis Month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the month of April, 1982, as Parliamentary Emphasis Month and call upon Federal, State, and local government agencies and the people of the United States to observe the month with appropriate programs, ceremonies, and activities, and I urge them to promote democratic processes and efficient organization of meetings through parliamentary practice.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of April, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 82-9728
Filed 4-7-82; 10:29 am]
Billing code 3195-01-M

Presidential Documents

Executive Order 12357 of April 6, 1982

Sinai Support Mission

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Chapter 6 of Part II of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2348, 2348a–2348c), and Section 6 of the Special International Security Assistance Act of 1979 (22 U.S.C. 3404), Section 2 of Executive Order No. 11896, as amended, is further amended by adding thereto the following:

"(f) The functions vested in the President by Section 6 of the Special International Security Assistance Act of 1979 (22 U.S.C. 3404) are delegated to the Director.

"(g) The Director shall, as soon as possible after the Multinational Force and Observers becomes operational on April 25, 1982, phase-out the activities of the Mission in the Sinai and terminate all functions of the Mission not later than September 30, 1982.

"(h) The Secretary of State shall be responsible after September 30, 1982 for any residual actions which may be necessary to conclude matters initiated by the Sinai Support Mission.".

Ronald Reagan

THE WHITE HOUSE,
April 6, 1982.

[FR Doc. 82-9729
Filed 4-7-82; 10:30 am]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 548; Navel Orange Reg. 547, Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 9–April 15, 1982, and increases the quantity of such oranges that may be so shipped during the period April 2–April 8, 1982. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective April 9, 1982, and the amendment is effective for the period April 2–8, 1982.

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

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

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on October 6, 1981. The committee met again publicly on April 6, 1982, at Ventura, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

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

List of subjects in 7 CFR Part 907

Marketing Agreements and Orders, California, Arizona, Oranges (Navel).

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. Section 907.848 is added as follows:

§ 907.848 Navel Orange Regulation 548.

The quantities of navel oranges grown in Arizona and California which may be handled during the period April 9, 1982, through April 15, 1982, are established as follows:

(a) District 1: 1,700,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

2. Section 907.847 Navel Orange Regulation 547 (47 FR 13757), is hereby amended to read:

§ 907.847 Navel Orange Regulation 547.

* * * * *

(a) District 1: 1,850,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

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

Dated: April 7, 1982.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82–9777 Filed 4–7–82; 12:37 pm]
BILLING CODE 3410–02–M

7 CFR Parts 908 and 925

Expenses and Rates of Assessment for Specified Marketing Orders; Authorization

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of the Valencia Orange and California Desert Grape Administrative Committees functioning under Marketing Orders 908 and 925 respectively. Funds to administer these programs are derived from assessments on handlers of the agricultural commodities regulated under the orders.

EFFECTIVE DATES: November 1, 1981–October 31, 1982 (§ 908.221); December 1, 1981–November 30, 1982 (§ 925.201).

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

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

These marketing orders are effective under the Agricultural Marketing

Agreement Act of 1973, as amended (7 U.S.C. 601–674). These actions are based upon the recommendations and information submitted by each committee, established under the respective marketing order, and upon other information. It is found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking, and good cause exists for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). Each order requires that the rate of assessment for a particular fiscal period shall apply to all assessable commodities handled from the beginning of such period. To enable the committee to meet current fiscal obligations, approval of the expenses is necessary without delay. It is necessary to effectuate the declared policy of the act to make these provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 908

Marketing Agreements and Orders, California, Arizona, Oranges (Valencia).

List of Subjects in 7 CFR Part 925

Marketing Agreements and Orders, Grapes, California.

Therefore, new §§ 908.221 (M.O. 908), and 925.201 (M.O. 925) are added to read as follows: (the following sections prescribe annual expenses and assessment rates and will not be published in the Code of Federal Regulations).

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

§ 908.221 Expenses and assessment rate.

Expenses of $445,320 by the Valencia Orange Administrative Committee are authorized, and an assessment rate of $0.023 per carton of oranges is established for the fiscal year ending October 31, 1982.

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

§ 925.201 Expenses and assessment rate.

Expenses of $23,000 by the California Desert Grape Administrative Committee are authorized, and an assessment rate of $0.004 per 22-pound container of grapes is established for the fiscal year ending November 30, 1982. Unexpended funds may be carried over as a reserve.

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

Dated April 2, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-9462 Filed 4-7-82; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1468

Payment Program for Mohair (1982–85)

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to revise the regulations governing the Commodity Credit Corporation's price support payment program for mohair for the 1978–1981 marketing years to make the terms and conditions of such program applicable for mohair for the 1982–1985 marketing years. In addition, this rule deletes from the Code of Federal Regulations a reference to the support price for mohair which was announced for the 1978 marketing year.

EFFECTIVE DATE: April 8, 1982.

ADDRESS: Emergency Operations and Livestock Programs Division, ASCS, USDA, Room 4095, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Gerald Schiermeyer, (ASCS) (202) 447–7674. A final Regulatory Impact Statement is available from the above-named individual.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified as "not major." This rule has been classified as "not major" since it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In title and number of the Federal assistance program to which this rule applies is: Title—National Wool Act Payments, Number—10.059 as found in the catalog of Federal Domestic Assistance Programs.

This action will not have a significant impact, specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Corporation is not required to publish a notice of proposed rulemaking pursuant to 5 U.S.C. 553 or any other provision of law with respect to the subject matter of this rule.

The Wool Act of 1954 (hereinafter referred to as the "Wool Act") was amended by the Agriculture and Food Act of 1981 to make price support available to producers of wool and mohair for the 1982–1985 marketing years by means of loans, purchases, payments, or other operations. The Wool Act provides that the price of mohair shall be supported at such level, in relationship to the support price for shorn wool, as the Secretary determines is necessary to maintain approximately the same percentage of parity for mohair as for shorn wool. The deviation of mohair support prices shall not be calculated so as to cause it to rise or fall more than 15 percent above or below the comparable percentage of parity at which shorn wool is supported.

A price support payment program will be made available for wool and mohair for the 1982–1985 marketing years by means of payments to producers. Accordingly, the regulations which previously set forth the terms and conditions for the price support payment program for mohair for the 1978–1981 marketing years are being revised herein to extend such terms and conditions to the price support payment program for mohair for the 1982–1985 marketing years. This final rule also deletes a reference to the support price for mohair for the 1978 marketing year. The calculation and determination of the support prices for mohair for each of the 1982–1985 marketing years will not be codified nor appear as a part of this rule, but will be published as a notice in the **Federal Register.**

Since the changes made by this final rule are technical in nature with no changes being made in the terms and conditions which were set forth with respect to previous programs, it has been determined that no further public rulemaking is required. Accordingly, this rule shall become effective April 8, 1982.

List of Subjects in 7 CFR Part 1468

Mohair, Price support programs.

Final Rule

PART 1468—MOHAIR

Accordingly, the regulations at 7 CFR §§ 1468.101–1468.126 are amended as follows:

1. The title of the subpart is amended to read "Subpart-Payment Program for Mohair (1982–1985)".

§ 1468.101 [Amended]

2. Section 1468.101 is amended by removing "1978, 1979, 1980, and 1981" and inserting in lieu thereof "1982, 1983, 1984, and 1985".

§ 1468.103 [Amended]

3. Section 1468.103(a) is amended by removing "(a) *General.*" and by deleting "1978, 1979, 1980, and 1981" and inserting in lieu thereof "1982, 1983, 1984, and 1985."

4. Section 1468.103(b) is removed.

Note.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office and Management and Budget in accordance with the Federal Reports Act of 1942.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 702–708, 68 Stat. 910–912, as amended (7 U.S.C. 1781–1787)

Signed at Washington, D.C. on April 2, 1982.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 82-9514 Filed 4-7-82; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 82-027]

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 Colorado 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 Colorado 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 April 5, 1982.

Comments must be received on or before June 7, 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. M. R. Crane, 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 Colorado. 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 Colorado 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 Colorado 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 Colorado 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 Colorado. This alternative was not adopted because the Deputy Administrator, Veterinary Services, has determined that Colorado 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 Colorado 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 Colorado. This alternative was adopted because the Deputy Administrator, Veterinary Services, has determined that the State of Colorado has met the minimum standards necessary to ensure that such mares are free of the contagion of CEM.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife

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) to read 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 Colorado
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 5th day of April, 1982.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-9525 Filed 4-7-82; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL ELECTION COMMISSION

11 CFR Part 110

[Notice 1982-2]

Honoraria; Removal of Limitation

AGENCY: Federal Election Commission.

ACTION: Final rule; technical amendment.

SUMMARY: The Commission is publishing today a technical amendment to its regulations on acceptance of honoraria (11 CFR 110.12) to conform that section to Pub. L. 97-51. The Public Law removed from the Federal Election Campaign Act the $25,000 annual limit on the amount of honoraria that a Federal officeholder or employee could accept. The technical amendment appearing here removes that limitation from the Commission's regulations.

EFFECTIVE DATE: April 8, 1982.

FOR FURTHER INFORMATION CONTACT: Susan E. Propper, Assistant General Counsel, 1325 K Street, N.W., Washington, D.C. 20463; (202) 523-4143 or toll-free (800) 424-9530.

SUPPLEMENTARY INFORMATION: Pub. L. 97-51, 95 Stat. 958, amended the Federal Election Campaign Act of 1971 in part by eliminating the requirement that no Federal officeholder or employee accept honoraria during a calendar year in excess of $25,000. The technical amendment published in this notice deletes from the Commission's regulations the provisions governing this limitation, to bring the regulations into conformance with the Act. The revision follows the language of 2 U.S.C. 441i as amended.

Because the amendment is merely technical and nonsubstantive, it is not a substantive rule within the meaning of the Administrative Procedure Act (relating to notice and comment) or 2 U.S.C. 438(d) (relating to legislative review of Commission regulations). It is therefore made effective April 8, 1982.

List of Subjects in 11 CFR Part 110

Government employees, Federal officeholders.

PART 110—CONTRIBUTION AND EXPENDITURE LIMITATIONS AND PROHIBITIONS (2 U.S.C. 441a)

11 CFR 110.12(a) is revised to read as follows:

§ 110.12 Honoraria (2 U.S.C. 441i).

(a) No individual while an elected or appointed officer or employee of any branch of the Federal government shall accept any honorarium of more than $2,000.

* * * * *

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

I certify that the attached final rule will not have a significant economic impact on a substantial number of small entities. The basis for this certification is that no entity is required to make any expenditure under the final rules.

Dated: April 1, 1982.

Frank P. Reiche,

Chairman, Federal Election Commission.

[FR Doc. 82-9461 Filed 4-7-82; 8:45 am]

BILLING CODE 6715-01-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. D-0022]

Time Deposits of Less Than $100,000 With Original Maturities of 3½ Years or More

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rule.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") has established a new deposit category with a minimum original maturity of 3½ years and no interest rate ceiling. Under a schedule established by the Committee, the maturity of the new instrument will be reduced annually by one year until March 31, 1986, at which time it will have the minimum maturity for time deposits (currently 14 days). The schedule will also reduce the minimum and maximum maturities of the small saver certificate (SSC), but other existing categories of time deposits will not be changed by the plan.

These changes will help accomplish the Committee's statutorily required objective of an orderly phaseout of deposit interest rate ceilings.

EFFECTIVE DATE: May 1, 1982.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Counsel, or Joseph DiNuzzo, Attorney, Federal Deposit Insurance Corporation (202) 389–4147; Paul S. Pilecki, Senior Attorney, Board of Governors of the Federal Reserve System (202) 452–3281; Elaine Boutilier, Attorney-Advisor, Department of the Treasury (202) 566–8737; Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202) 377–6446; or Mark Leemon, Attorney, Office of the Comptroller of the Currency (202) 447–1880.

SUPPLEMENTARY INFORMATION: On October 6, 1981, the Committee requested public comments on two related proposals to help accomplish the Committee's statutorily-required objective of an orderly phaseout of deposit interest rate ceilings giving due regard to the safety and soundness of depository institutions (*see* 46 FR 49137). The Committee requested comment on whether to establish a new time deposit account category that would have the following principal characteristics: (1) An initial minimum original maturity of 3½ years or more; (2) no interest rate limitation; (3) a minimum denomination of $250; (4) an early withdrawal penalty equal to 9 months' simple interest; and optional features that would allow additions to the account during the first year without increasing the maturity and would permit the instrument to be negotiable. The proposal also would have established two new deposit categories in 1984 and 1985. The Committee also requested comments on a schedule that would reduce each year the minimum maturity of this new deposit category by one year.

In response to its request, the Committee received 580 letters from the public on the new deregulation plan and the proposed new account. Of the 121 savings and loan associations and 27 mutual savings banks responding, about 79 percent indicated they did not want a deregulation schedule that included a ceilingless deposit instrument. Accordingly, most of them did not respond to the specific questions regarding the characteristics of the proposed new instrument.

Of the 375 commercial banks that responded, over 80 percent favored a scheduled phaseout but disagreed over the characteristics of the proposed new instrument. The 9 regulatory agencies and Federal Reserve Banks and most of the 28 commercial bank trade associations wrote in support of the proposed plan while the 10 thrift trade associations expressed opposition. Ten individuals and non-depository institutions offered comments and half of them were opposed to the plan.

Those opposed to the proposals questioned the authority of the Committee to introduce a deregulation schedule at this time that authorizes new ceilingless instruments. They argued that such action is contrary to the Congressional mandate that the Committee phase out interest rate ceilings only if economic conditions warrant and only after due regard for the safety and soundness of depository institutions.

Those favoring the proposals expressed the view that a schedule will provide institutions with an opportunity to plan for the legislated goal of ceilingless deposit accounts. By beginning with long-term accounts, they argued it will permit financial institutions to better control their asset-liability risk and to attract longer-term deposits that are most appropriate for longer-term lending.

After considering all of the comments, the Committee has established a new deposit category to become effective on May 1, 1982. The new category will have the following characteristics: (1) No interest rate ceiling, (2) a minimum original maturity of 3½ years, (3) no minimum denomination but the account must be made available in a $500 denomination, (4) permits additions to an account during the first year without extending its maturity (optional), and (5) permits the instrument to be negotiable (optional).[1] The existing penalty for early withdrawal will apply to the new instrument. The maturity of the new instrument will be reduced annually by one year, and the new deposit category will be used in conjunction with a schedule designed to phase out interest rate ceilings on time deposits. In addition, the minimum maturity of the SSC will be adjusted downward by the schedule to complement the new deposit category. The schedule adopted by the Committee is as follows:

Step 1 (May 1, 1982)

1. The new 3½ year or longer, ceilingless deposit category becomes effective.

2. The maturity for SSCs is adjusted to 2½ years to less than 3½ years.

Step 2 (April 1, 1983)

1. The minimum maturity on the ceilingless deposit category is reduced to 2½ years.

2. The maturity on the SSC is reduced to 1½ years to less than 2½ years, and the rate is tied to the average yield for 1½ year Treasury securities with the 25 basis point differential retained.

Step 3 (April 1, 1984)

1. The minimum maturity for the ceilingless deposit category is reduced to 1½ years.

Step 4 (April 1, 1985)

1. The minimum maturity for the ceilingless deposit category is reduced to 6 months.

Step 5 (March 31, 1986)

1. The minimum maturity for the ceilingless deposit category is reduced to the minimum maturity for time deposits in effect on that date.

The new rules apply only to new time deposits issued on or after each of the relevant dates; the rates payable on existing time and savings deposits are unaffected by the new rules. Moreover, ceiling rates for new time deposits with maturities other than those specified in the phaseout schedule on each of the relevant implementation dates will remain unchanged unless specifically acted upon in the future by the Committee.

In taking this action, the Committee concluded that the plan is necessary to provide additional returns to savers and to provide depository institutions and their customers with a specific schedule so that institutions may better plan their asset and liability strategies in anticipation of an environment without deposit interest rate ceilings. Nonetheless, the Committee will monitor the schedule at least annually, taking into account economic conditions

[1] The Federal Home Loan Bank Board adopted on March 24, 1982 a regulation permitting institutions insured by the Federal Savings and Loan Insurance Corporation to offer certificates of deposit in negotiable form. Prior to this action which will take effect April 25, 1982 savings and loan associations were not generally permitted to offer negotiable certificates except for large denomination ($100,000) certificates.

and with due regard for the safety and soundness of depository institutions.

The Committee asked for public comment on two other new account categories that would be established as part of the deregulation schedule. These accounts, like the SSC, would be indexed to Treasury securities but would have no thrift differential and would have a reduced minimum and maximum maturity.[2] However, since these new accounts would not become effective until April 1984 and April 1985, the Committee determined that it should consider the necessity of such accounts at that time instead of authorizing them now. This is in keeping with the public comments, which indicated that most depository institutions would prefer fewer rather than more new accounts.

In its proposed rulemaking, the Committee requested comments on a number of features, including a minimum denomination of $250, a 9-month early withdrawal penalty, and allowing additional deposits during the first year of an account without extending its maturity. The public comments on a minimum denomination of $250 were mixed. Some respondents commented that no minimum denomination should be required, thereby allowing the institution to set whatever it believed was appropriate. However, most respondents indicated that $250 was acceptable. The Committee concluded that the institutions should be allowed the maximum flexibility possible to set a minimum denomination on the new category of time deposit without disadvantaging the small saver, and, therefore, adopted the provision currently used with the All Savers Certificate: no minimum denomination is mandated, but the account must be made available in $500 denominations. This leaves the institutions free to accept deposits of any amount, as long as a $500 account is also available.

In commenting on the feature of additional deposits during the first year, most respondents indicated that it would be feasible only if an institution offered it in conjunction with a floating rate instrument. Many opposed this feature as too complicated and confusing to the depositor. The Committee has authorized additional deposits during the first year as an optional feature of the new deposit category. Under this feature (which an institution is not required to offer) the institution may accept additional deposits at any time during the first year of the account without extending the maturity of the account. The deposit contract shall specify the method to be used for determining the rate of interest to be paid on additions to an account during that first year.

The comments received on the proposed 9-month early withdrawal penalty primarily opposed the proposal as adding confusion and making the account less attractive to depositors. Furthermore, they noted that an early withdrawal penalty longer than 6 months can be required by an institution under the existing regulation. The Committee has determined that the existing early withdrawal penalty of a forfeiture of at least 6 months' interest on the amount withdrawn will apply to the new account. It should be noted, however, that under the schedule, the minimum maturity of the new account will be less than one year effective April 1, 1985. At that time the early withdrawal penalty would be that which applies to accounts of less than one year, i.e. 3 months' interest.

The minimum early withdrawal penalty for a floating rate time deposit (for which the interest rate varies during the term of the deposit) with a maturity of more than one year is an amount equal to six months' simple interest. If a depository institution ties the interest rate on its new account to an index that is beyond its control (*e.g.*, Treasury security rate, commercial paper rate, Federal funds rate, Federal Reserve discount rate) for the *entire* term of the deposit, the institution may base the simple interest rate, for purposes of calculating the minimum early withdrawal penalty, on the rate in effect on the date the account is opened, or on the date of withdrawal, or on an average of the rates in effect during the term of the deposit. The institution must specify, however, whether it will use the initial interest rate, the rate on the date of withdrawal, or the average rate. For example, if the rate on the account is set at the twenty-six week Treasury bill discount rate plus 100 basis points and it changes weekly with the most recent auction results, the early withdrawal penalty rate could be the discount rate (plus 100 basis points) in effect on the date the account was opened, or the date of the withdrawal, or an average of all the rates in effect during the term of the deposit; but the method to be used must be specified in the deposit agreement.

If the depository institution chooses not to tie the interest rate on its new account to an index, but instead chooses to set the precise way in which the rate varies over the term of the deposit or if it changes the relationship of the rate to the index (*e.g.*, the commercial paper rate minus 50 basis points for the first six months of the instrument and the commercial paper rate at minus 100 basis points thereafter), then the early withdrawal penalty must be computed using an average of the simple interest rates on the deposit during the time period that the deposit was outstanding. If the interest rate is established at regular intervals and remains in effect for regular periods (*e.g.*, the rate is established once a month and remains in effect for one month), the average simple interest rate would be the sum of the rates established at each interval while the funds were on deposit, divided by the number of periods the funds were on deposit. Each partial period will be considered a full period for the purpose of this calculation. For example, if a 2½ year time deposit with an interest rate that varies monthly was established on May 15, 1983, and withdrawn on July 7, 1983, the average simple interest rate would be the sum of the May, June, and July rates, divided by three.

If the length of the periods for which rates are effective varies, the average simple interest rate would be calculated by dividing the amount of time a deposit was outstanding into equal periods and then adding the rates that were in effect during those periods and dividing by the number of periods. The period used should be the shortest period for which a rate was in effect. For example, a time deposit might have the following rates in effect for the following periods at the time a depositor wished to withdraw the funds:

6 months (percent)..... 15
1–½ years (percent)..... 16
1 year (percent)..... 14

The total amount of time the deposit was outstanding was 3 years (6 months +1–½ years +1 year). This 3-year period would then be divided into 6 periods of 6 months each. Then the rates in effect for each period would be:

1st six month period (percent)..... 15
2nd six month period (percent)..... 16
3rd six month period (percent)..... 16
4th six month period (percent)..... 16
5th six month period (percent)..... 14
6th six month period (percent)..... 14

To calculate the average simple interest rate, the rate in effect during each period would be added together—15+16+16+16+14+14=91. The resulting sum would then be divided by

[2] The account proposed to be established in 1984 would have a maturity of 6 months to 1½ years and could be offered at a rate not to exceed the 26-week U.S. Treasury rate (auction average on a discount basis). The account proposed to be established in 1985 would have a maturity of 14 days to 6 months and could be offered at a rate not to exceed the 13 week U.S. Treasury bill rate (auction average on a discount basis).

the number of periods—91 divided by 6—to yield an average simple interest rate of 15.17%.

In the case of lump-sum payments of cash that would be regarded as interest (see *e.g.*, 12 CFR 1204.109 and 12 CFR 1204.111), such payments must be taken into account in computing the penalty rate. Any lump-sum payment must be prorated over the life of the deposit. The portion that is attriubuted to the time period during which the deposit was outstanding must be regarded as interest for purposes of computing the penalty rate. The portion attributable to the remaining life of the deposit is regarded as unearned interest and must be deducted from the principal amount of the deposit and returned to the institution.

For example, assume that cash of $100 that would be regarded as interest were given to a depositor at the opeing of a $1,000, 4-year variable rate time deposit, that the entire amount is withdrawn after one year, and that the average of the rates paid on the deposit during the time it was outstanding was 12 percent. The lump-sum of $100 would be regarded by the Committee as a payment of interest and must be taken into account in computing the penalty rate. Because the deposit was outstanding for one-fourth of its expected life, a corresponding amount of the lump-sum must be taken into account in computing the penalty rate. Thus, 2.5 percent (25 divided by 1,000) must be added to the average of the rates paid during the time the deposit was outstanding (12 percent) to achieve a penalty rate of 14.5 percent. The remaining three-fourths of the lump-sum payment ($75) would be regarded as unearned interest and would be returned to the institution. Thus, the amount that the customer would return would be $147.50.

The new rule provides greater flexibility in designing accounts. Depository institutions will be permitted to accept additions in the first year to a new account governed by whatever interest rate structure—fixed or floating—they would choose, provided that the method of varying the interest rate is adequately disclosed in the deposit contract.

The Committee also considered the proposal to phaseout interest rate ceilings in terms of its impact on small entities, as required by the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*). In this regard, the Committee's action does not impose any new regulatory burden, or increase any existing or add any new reporting or record keeping requirements. Instead, this action eliminates regulatory restrictions on the maximum interest rate payable for certain time deposits on May 1, 1982. Small entities that are depositors generally should benefit from the Committee's action because they will be able to earn higher rates of interest on their time deposits. Small entities that are depository institutions could have increased operating expenses as a result of this action, because it is likely that they will be paying higher interest rates on certain time deposits; on the other hand, their competitive position *vis-a-vis* nondepository institution competitors should be enhanced by their ability to offer higher rates on time deposits, thereby attracting new funds that can be reinvested profitably.

By law, the Committee is required to work towards the ultimate elimination of interest rate ceilings on time deposits. The Committee considered several alternatives to accomplish this objective; an analysis of these alternatives is available from the Executive Secretary of the Committee. In the Committee's view, the plan that was adopted provides the greatest flexibility for all depository institutions during the phaseout period, without having a disproportionately adverse impact on any particular size of depository institution.

List of Subjects in 12 CFR Part 1204

Banks, banking.

PART 1204—INTEREST ON DEPOSITS

Pursuant to its authority under Title II of the Depository Institutions Deregulation and Monetary Control Act of 1980, 94 Stat. 142 (12 U.S.C. 3501 *et seq.*), to prescribe rules governing the payment of interest and dividends on deposits of Federally insured commercial banks, savings and loan associations, and mutual savings banks, the Committee amends Part 1204—Interest on Deposits (12 CFR Part 1204) as follows:

1. Effective May 1, 1982, § 1204.106 is amended by adding a new paragraph (c) to read as follows:

§ 1204.106 Time Deposits of Less Than $100,000 With Maturities of 2½ Years to 4 Years.

* * * * *

(c)(1) Effective May 1, 1982, this section is amended by striking the term "2½ years to less than 4 years" wherever it appears and inserting in its place "2½ years to less than 3½ years".

(2) Effective April 1, 1983, this section is amended by striking the term "2½ years to less than 3½ years" wherever it appears and inserting in its place "1½ years to less than 2½ years", and by striking the term "average 2½ year yield" wherever it appears and inserting in its place "average 1½ year yield".

2. Effective May 1, 1982, a new § 1204.119 is added that would read as follows:

§ 1204.119 Time Deposits of Less Than $100,000 with Original Maturities of 3½ Years or More.

(a) A commercial bank, mutual savings bank, or savings and loan association may pay interest at any rate as agreed to by the depositor on any time deposit with an original maturity of 3½ years or more that has no minimum denomination but is made available in a denomination of $500.

(b) Any time deposit with an original maturity of 1½ years or more issued pursuant to this section may provide by contract that additional deposits may be made to the account for a period of one year from the date that it is established without extending the original maturity date of the account. Deposits made to the account more than one year after the date that it is established shall extend the maturity of the entire account for a period of time at least equal to the original term of the account.

(c) Any time deposit offered pursuant to this section may be issued in a negotiable or nonnegotiable form.

(d) Effective April 1, 1983, this section is amended by striking the term "3½ years" wherever it appears and inserting in its place the term "2½ years".

(e) Effective April 1, 1984, this section is amended by striking the term "2½ years" wherever it appears and inserting in its place "1½ years".

(f) Effective April 1, 1985, this section is amended by striking the term "1½ years" wherever it appears in paragraph (a) of this section and inserting in its place "6 months".

(g) Effective March 31, 1986, this section is amended by striking the term "with an original maturity of 6 months or more" wherever it appears.

By order of the Committee, March 26, 1982.

Steven L. Skancke,

Executive Secretary.

[FR Doc. 82-9251 Filed 4-7-82; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Part 305

Amendment to Rule Concerning Disbursement of Funds for Grants

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Final rule.

SUMMARY: EDA is amending its rules prescribing certain conditions that must be met before EDA will disburse funds under approved grant agreements for public works and development facility projects. The amendment provides that the Assistant Secretary for Economic Development may approve waiver of subsection (a) of the conditions for disbursement if a grantee can demonstrate to the satisfaction of EDA that enforcement of this condition would place an undue burden on a grantee. The purpose of the amendment is to maximize EDA's administrative flexibility in dealing with unusual or extraordinary circumstances arising in connection with a particular project, and to minimize the effect upon grantees of a program requirement which, because of unusual or extraordinary circumstances, may become unduly burdensome.

EFFECTIVE DATE: April 8, 1982.

FOR FURTHER INFORMATION CONTACT:
James F. Marten, Deputy Chief Counsel for Operations and Administration, Economic Development Administration, Department of Commerce, Room 7009, Washington, D.C. 20230, (202) 377–5441.

SUPPLEMENTARY INFORMATION: Because this rule relates to EDA's grant program, it is exempt from the notice and comment procedures described in section 553 of the Administrative Procedure Act (5 U.S.C. 553). In accordance with section 3(c)(3) of Executive Order No. 12291, this rule has been submitted to the Director of the Office of Management and Budget. It is not a major rule as defined in that Order. The requirement for an initial or final regulatory flexibility analysis under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, is also inapplicable. Because this amendment does not contain an information collection requirement, the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, does not apply.

List of Subjects in 13 CFR Part 305

Economic development, public works, grant programs—public works.

Accordingly, Chapter III of Title 13 of the Code of Federal Regulations is amended as set forth below:

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

Subpart F—Disbursement of Funds for Grant and Loan Projects

By revising § 305.86 to read as follows:

§ 305.86 Disbursements of funds for grants.

Disbursements of funds for grants are made upon application to EDA for disbursement and

(a) After execution of all contracts required for the completion of the project,

(b) For itemized and certified eligible costs incurred, as substantiated by such documentary evidence as EDA may require,

(c) For the percentage of EDA participation, but in no event for more than the total sum, stated in the "Offer of Grant" accepted by the grantee,

(d) Upon proof that grantee's proportionate share of funds is on deposit,

(e) After a determination by EDA that all applicable conditions of the grant have been met,

(f) Upon proof that the grantee has withheld 10 percent from all contractors and suppliers who have not had EDA inspection and approval, and

(g) After such other requirements as EDA shall establish are met and approved.

Paragraph (a) of these conditions for disbursement may be waived by the Assistant Secretary if the grantee can demonstrate that enforcement of the condition would place an undue burden on the grantee.

(Sec. 701, Pub. L. 89–136, 79 Stat. 570 (42 U.S.C. 3211), Department of Commerce Organization Order 10–4, as amended (40 FR 56702, as amended)

Dated: March 8, 1982.

Carlos C. Campbell,

Assistant Secretary for Economic Development.

[FR Doc. 82-9451 Filed 4-7-82; 8:45 am]
BILLING CODE 3510-24-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-NM-26-AD; Amdt. 39-4358]

Airworthiness Directives; McDonnell Douglas Model DC-9-10 through -50 Series and C-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) applicable to McDonnell Douglas DC–9–10 through –50 Series and C–9 Series airplanes, which requires inspection of fittings and plates on the horizontal stabilizer center section for cracking and/or corrosion and either repair or replacement of the affected parts and/or removal of corrosion and the application of corrosion inhibiting compound. The original AD was issued because cracked or corroded fittings or plates could result in failure of the horizontal stabilizer center section and loss of control of the airplane. Since the issuance of this AD, the FAA has determined that the original specified compliance times were unduly burdensome and can be extended without compromising safety. The amendment, therefore, extends the initial inspection threshold and lengthens the repetitive inspection interval.

DATES: Effective date April 16, 1982. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). This information also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT:
Harry J. Irwin, Aerospace Engineer, Airframe Branch, ANM–120L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2826.

SUPPLEMENTARY INFORMATION: Airworthiness Directive 82–06–02, Amendment 39–4339, was published in the **Federal Register** March 8, 1982 (47 FR 9814), applicable to McDonnell Douglas DC–9–10 through –50 Series and C–9 Series airplanes, requiring inspection of fittings and plates on the horizontal stabilizer center section for cracking and/or corrosion and either repair or replacement of the affected parts and/or removal of corrosion and the application of corrosion inhibiting compound.

After issuing Amendment 39–4339, the Chief, Los Angeles Area Aircraft Certification Office, Northwest Mountain Region, received information indicating that of over 900 aircraft affected by this AD, only 250 have been inspected; and the ability of the operators to complete the inspections within the required compliance time was in doubt. Consequently, requests were received from the operators to

reconsider the specified inspection intervals based on the findings resulting from the inspections conducted to date. In addition, technical data were received from the manufacturer on the type of cracks found and the mechanics of stress corrosion cracking that supported the operators' contentions. The Federal Aviation Administration has completed a review of these items and reached the following conclusions:

1. Approximately 250 airplanes have been inspected to date revealing fourteen cracks, all of which were caused by stress corrosion.

2. Stress corrosion cracks are the result of built-in stresses in susceptible materials due to forming, forging, or machining which, when subjected to a corrosive environment, result in cracking of the metal. These cracks tend to relieve the built-in stresses and, if these cracks are in a direction sensitive to flight load stresses, the cracks will tend to grow. Cracks discovered in the center section were not in a direction that would be adversely affected by flight load stresses.

After careful review of these conclusions, the Federal Aviation Administration has determined that air safety and the public interest justify the adoption of an amendment to Amendment 39–4339, extending the initial inspection period from 400 flight hours to 1600 flight hours, and the repetitive inspection interval from 3200 flight hours to 6400 flight hours. In addition, this amendment adds a calendar time limit to cover airplanes with stress corrosion and low utilization rates and a "Note" which provides guidance on obtaining access to certain areas requiring inspection.

Since this amendment relieves a restriction, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary, and the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft, Air transportation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 82–06–02, Amendment 39–4339, as follows:

Revise the first paragraph and the "NOTE" in subsection "A" to read as follows:

Prior to the accumulation of 4100 flight hours total time in-service or within 1600 flight hours time in-service following the effective date of this AD, whichever comes later, but in any case not later than December 1, 1982, accomplish the following:

(Note: Operators who have accomplished the actions required by paragraph (A)(1)–(A)(3) below, prior to the effective date of this AD, need not reinspect until 6400 flight hours or three (3) calendar years, whichever occurs first, following the last inspection, as required by paragraph "B" below.)

Add a "Note" following paragraph 3(b) which reads as follows:

(Note: The removal of the upper aft plate P/N 9911862–1 and cover P/N 5910405–3 provides access to the areas required to be inspected in paragraph A.)

Revise Paragraph "B" to read as follows:

The inspections and repairs set forth in paragraph A above must be repeated at intervals of 6400 flight hours or three (3) calendar years, whichever occurs first, until the affected parts are replaced by new parts per McDonnell Douglas DC–9 Service Bulletin 55–32, Revision 1, dated September 28, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

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

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60).

These documents also may be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108; or the Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

This amendment becomes effective April 16, 1982.

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

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

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

Issued in Seattle, Washington on March 26, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82–9286 Filed 4–7–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket Number 81–ACE–21]

Alteration of Transition Area—Neodesha, Kansas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the 700-foot transition area at Neodesha, Kansas, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Neodesha Municipal Airport, utilizing the Chanute VOR as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Don A. Peterson, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION: A new instrument approach procedure to the Neodesha, Kansas, Municipal Airport, is being established utilizing the Chanute VOR as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails the alteration of the transition area at Neodesha, Kansas, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft

operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 4091, 4092 of the Federal Register dated January 28, 1982, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Neodesha, Kansas. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, transition areas.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), is amended effective 0901 G.m.t., July 8, 1982, by altering the following transition area:

Neodesha, Kansas

That airspace extending upward from 700 feet above the surface within 5 miles of the Neodesha Municipal Airport (Latitude 37°26'05"N, Longitude 95°38'49"W) and within 2.5 miles each side of the Chanute VOR 185° radial, extending from the 5-mile radius to 8 miles southwest of the airport, excluding that portion which overlies the Parsons, Kansas transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

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

Issued in Kansas City, Missouri, on March 24, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-9255 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 81-ACE-12]

Alteration of Control Zone—Cape Girardeau, Missouri

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the control zone at Cape Girardeau, Missouri, to include a new VOR instrument approach procedure and cancel a portion of the extension on the 036° radial. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new VOR instrument approach is being developed for the Cape Girardeau, Missouri, Municipal Airport. Also, a portion of the extension on the 036° radial is being cancelled. Control zones are designed to contain IFR operations in controlled airspace to the surface around airports within a specified radius and along the final approach course of the IAP. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 46590 and 46591 of the Federal Register dated September 21, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Cape Girardeau, Missouri. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, control zones.

Accordingly, Subpart F, § 71.171 of the Federal Aviation Regulations (14 CFR 71.171) as republished on January 2, 1981 (46 FR 455) is amended effective 0901 G.m.t., July 8, 1982, by altering the following control zone:

Cape Girardeau, Missouri

Within a 5-mile radius of Cape Girardeau, Missouri, Municipal Airport (Latitude 37°13'30" N, Longitude 89°34'10" W), within 2½ miles each side of the Cape Girardeau VOR 194° and 279° radials, extending from the 5-mile radius to 6½ miles south and west of the VOR and within 3 miles each side of the Cape Girardeau VOR 044°, extending from the 5-mile radius to a point 8½ miles northeast of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

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

Issued in Kansas City, Missouri, on March 24, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-9113 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 81-ACE-22]

Alteration of Control Zone and Transition Area—Hastings, Nebraska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the control zone and transition area at Hastings, Nebraska, to provide additional controlled airspace for aircraft executing a new instrument approach procedure at the Hastings, Nebraska, Municipal Airport. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR.)

EFFECTIVE DATE: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Don A. Peterson, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new VOR approach has been developed for the Hastings, Nebraska, Municipal Airport, utilizing the Hastings VOR as a navigational aid. The establishment of this instrument approach procedure entails alteration of the control zone and transition area at Hastings, Nebraska, at and above 700 feet above ground level (AGL) within which aircraft are provided additional air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 4090 and 4091 of the **Federal Register** dated January 28, 1982, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Hastings, Nebraska. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, control zones, transition areas.

Accordingly, Subpart F, § 71.171 of the Federal Aviation Regulations (14 CFR 71.171) as republished on January 2, 1981, (46 FR 455), is amended, effective 0901 g.m.t., July 8, 1982, by altering the following control zone:

Hastings, Nebraska

Within a 5-mile radius of Hastings, Nebraska Municipal Airport (Latitude 40°36'20" N, Longitude 98°25'30" W), within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 9.5 miles north of the airport, and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 8 miles southeast of the airport, and 3 miles either side of the 219° bearing from Hastings Municipal Airport extending from the 5-mile radius to 8.5 miles southwest of the airport.

Additionally, Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981, (46 FR 540) is amended effective 0901 G.M.T., July 8, 1982, by altering the following transition area:

Hastings, Nebraska

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hastings Municipal Airport (Latitude 40°36'20" N, Longitude 98°25'30" W), within 2 miles each side of the 323° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 8 miles northwest of the airport, within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 9.5 miles north of the airport, and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 8 miles southeast of the airport and within 3 miles each of the 219° bearing from the Hastings Municipal Airport extending from the 7-mile radius zone to 8.5 miles southwest of the airport.

(Section 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

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

Issued in Kansas City, Missouri, on March 24, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-9256 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ACE-11]

Designation of Transition Area—Cresco, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Cresco, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Ellen Church Airport, Cresco, Iowa, utilizing the Cresco Non-Directional Radio Beacon (NDB) as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage a new instrument approach procedure to the Ellen Church Airport, Cresco, Iowa, is being established utilizing the Cresco NDB as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Cresco, Iowa, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 46591 and 46592 of the **Federal Register** dated September 21, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Cresco, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, transition areas.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), is amended effective 0901 G.m.t. July 8, 1982, by adding the following new transition area:

Cresco, Iowa

That airspace extending upward from 700 feet above the surface within a 5-statute-mile radius of the Ellen Church Airport, Cresco, Iowa (Latitude 43°22'06"N, Longitude 92°08'12"W), and 3 miles either side of the 135° bearing from the Cresco NDB (Latitude 43°22'01"N, Longitude 92°08'12"W) from the 5-mile radius to 8.5 miles.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

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

Issued in Kansas City, Missouri, on March 24, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-9253 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket Number 81-ACE-4]

Designation of Transition Area—Benton, Kansas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Benton, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Benton, Kansas Airport, utilizing the Wichita VORTAC as a navigational aid.

The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: July 8, 1982.

FOR FURTHER INFORMATION CONTACT: Don A. Peterson, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure to the Benton, Kansas, Airport is being established utilizing the Wichita VORTAC as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Benton, Kansas, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to insure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 57911 and 57912 of the **Federal Register** dated November 21, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Benton, Kansas. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, transition areas.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), is amended effective 0901 G.m.t. July 8, 1982, by adding the following new transition area:

Benton, Kansas

That airspace extending upward from 700 feet above the surface, within a 5 statute mile radius of Benton Airport, Kansas (Latitude 37°46'45" N, Longitude 97°06'45" W), and 4.5 statute miles each side of the Wichita VORTAC 070° radial extending from the 5 statute mile radius area of the Benton Airport to 26.5 statute miles NE of the Wichita VORTAC, excluding that portion of the airspace which overlies the Wichita, Kansas transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

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

Issued in Kansas City, Missouri, on March 24, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-9254 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 379, 385, 386, 387, 388, 389, and 390

Revision of Mailing and Street Addresses for Office of Export Administration

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

ACTION: Final rule.

SUMMARY: This rule amends the addresses used for filing applications, documentation, and reports with the Office of Export Administration. This change is intended to speed handling of export administration paperwork through the Department of Commerce by eliminating the need for sorting in the Central Mailroom. This rule also revises citations to Supplement No. 1 to Part 388 to reflect the new title, "Table of Denial Orders Currently in Effect."

EFFECTIVE DATE: April 8, 1982.

FOR FURTHER INFORMATION CONTACT: Richard J. Isadore, Director, Operations Division, Office of Export Administration, P.O. Box 273, Washington, D.C. 20044, Telephone: (202) 377-4738.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

Section 13(a) of the Export Administration Act of 1979 ("the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that to the extent practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because this regulation does not impose new controls on exports. Therefore, this legislation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

In connection with various other rulemaking requirements, the Office of

Export Administration has determined that:

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

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

Substance of the Regulation

Post Office Boxes. Because of the large volume of mail received by the Office of Export Administration (OEA) and the need to process applications and amendments as quickly as possible, OEA has secured Post Office boxes for its mail deliveries. One box has been designated for Compliance mail, and the other box for all other OEA mail, including license and reexport applications, amendments, reports, and special requests.

Use of post office boxes will eliminate additional sorting of OEA mail in the Central Mailroom of the Department. This new procedure will guarantee next-day delivery when the U.S. Postal Express Mail Service is used to send emergency clearance applications.

Street Address. As a result of Pennsylvania Avenue redevelopment, the north entrance to the Main Commerce Building is now designated 14th Street and Pennsylvania Avenue NW., rather than 14th and E Streets. The regulations are amended to show this change of address for hand-carried material.

Denial Orders. On December 22, 1980 (45 FR 84027–84034), Supplement No. 1 to Part 388, formerly the "Table of Denial and Probation Orders Currently in Effect," was revised to include only denial orders, and the title was revised to be "Table of Denial Orders Currently in Effect." This rule amends the Regulations to reflect this new title.

List of Subjects in 15 CFR

Part 368

Imports, Penalties.

Part 369

Boycotts, Reporting requirements, Trade practices.

Part 370

Administrative practice and procedure, Country groups, Export licenses, Exports.

Part 371

Export licenses, General exports.

Part 372

Export license amendments, Export licenses (validated), Exports.

Part 373

Export licenses (validated), Exports.

Part 374

Exports, Reexports.

Part 375

Export licenses, Exports.

Part 376

Export licenses, Exports, Reexports.

Part 377

Administrative practice and procedure, Export licenses, Exports, Marketing quotas, Short supply controls.

Part 379

Export licenses, Exports, Science and techology, Technical data.

Part 385

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

Part 386

Export clearance, Exports.

Part 387

Exports, Law enforcement, Penalties, Recordkeeping.

Part 388

Administrative practice and procedure, Boycotts, Denial orders, Exports, Penalties.

Part 389

Administrative practice and procedure, Exports.

Part 390

Advisory committees, Exports, General orders.

Accordingly, the Export Administration regulations (15 CFR Parts 368–377, 379, and 385–390 are amended as follows:

PART 368—U.S. IMPORT CERTIFICATE AND DELIVERY VERIFICATION PROCEDURE

1. Section 368.2 is amended by revising the section title and paragraphs (a)(2), (a)(9)(ii) and (a)(12)(ii) to read as follows:

§ 368.2 International Import Certificate. (OMB approval No. 0625-0064.)

(a) Procedure. * * *

(2) *Where to file.* Except as noted in paragraphs (a) (4) and (5) of this section, send all requests for certification and validation of International Import Certificates or requests to amend certificates to—(i) Office of Export Administration, P.O. Box 273, Washington, D.C. 20044, or

(ii) One of the following District Offices of the Department of Commerce: Boston, Buffalo, Chicago, Cincinnati, Houston, Los Angeles, Miami, Newark, Phoenix, Pittsburgh, Portland, Oreg., St. Louis, Cleveland, Dallas, Detroit, New Orleans, New York, Philadelphia, San Francisco, Savannah, Seattle.

* * * * *

(9) * * *

(ii) If prior approval is required, a letter (OMB approval No. 0625–0007), requesting authorization to release the shipment shall be submitted to—Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

The letter shall contain the International Import Certificate number; date issued; location of the issuing office; names, addresses, and identities of all parties to the complete transaction; and the quantity, dollar value, and description of the commodity. The letter shall be accompanied by an International Import Certificate, an ultimate consignee statement, or other documentation required by the Export Administration Regulations for the country of ultimate destination, as provided for license applications in §§ 375.1, 375.2, 375.3, 375.4 and 375.5. Where none of these sections applies to the transaction, the letter shall include the intended end-use of the commodities.

* * * * *

(12) * * *

(ii) *Unused Certificates.* If the transaction will not be completed and the International Import Certificate will not be used, return the certificate for cancellation to—Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

2. Section 368.3 is amended by revising the heading and paragraph (a)(3) and the introductory text of (a)(4) to read as follows:

§ 368.3 Delivery verification certificate. (OMB approval No. 0625-0063)

(a) * * *

(3) *Issuance of U.S. Delivery Compliance Notice in lieu of Delivery Verification Certificate.* Where a U.S. party is required to provide a Delivery Verification Certificate but does not wish to disclose the name of his customer to the foreign supplier (*e.g.*, in the event that the commodities are resold or transferred to another person or firm before the commodities enter the United States), he may submit an authenticated Form ITA–647P together with an explanatory letter requesting a Delivery Compliance Notice, to—Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

The Office of Export Administration will then provide the U.S. party with an original and a copy of an authenticated Delivery Compliance Notice signifying that the commodities were imported into the United States and that a satisfactory U.S. Delivery Verification Certificate has been submitted to the Office of Export Administration. The U.S. party shall forward the original to the foreign supplier for submission to the foreign government and retain the copy in its files.

(4) *Lost or destroyed Delivery Verification Certificate.* When a Delivery Verification Certificate is lost or destroyed, the U.S. importer shall submit a letter to—Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

In the letter, the U.S. importer shall certify—

* * * * *

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

3. The introductory test of paragraph (b)(4) and the heading of § 369.6 are revised to read as follows:

§ 369.6 Reporting requirements. (OMB approval No. 0625-0036)

* * * * *

(b) * * *

(4) Reports must be submitted in duplicate to—Report Processing Staff, Office of Antiboycott Compliance, U.S. Department of Commerce, Room 3899, Washington, D.C. 20230.

Each submission must be made in accordance with the following requirements:

* * * * *

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

4. Section 370.11 is amended by revising paragraph (a)(2)(i) to read as follows:

§ 370.11 Information to exporters.

(a) * * *

(2) *How to file request.* (i) The request for information shall be submitted on Form ITA-6019P, Request for, and Advice on, Status of Pending Application, Amendment, or Reexport Request (OMB approval No. 0625-0050) to—Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

The request may be made only by the applicant or the applicant's agent. The Office of Export Administration will respond as soon as possible, noting on the form the pertinent reason(s) for the delay or likelihood of denial.

* * * * *

5. Section 370.13 is amended by revising paragraph (a)(2) to read as follows:

§ 370.13 Procedures for processing license applications.

(a) * * *

(2) "Date of receipt" is the date a case number is assigned to the application, but in no event is it later than the next work day following physical delivery to—Exporters' Service Staff, Office of Export Administration, Room 1099A, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, D.C. 20230, or receipt in the mail by the Processing Branch via—Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

* * * * *

PART 371—GENERAL LICENSES

6. Section 371.2 is amended by adding a new paragraph (h), reading as follows:

§ 371.2 General provisions.

* * * * *

(h) *OEA mailing address.* All written reports or requests submitted to Office of Export Administration under this Part 371 should be mailed to—Office of Export Administration, P.O. Box 273, Washington, D.C. 20044, unless the regulation indicates another address.

7. Section 371.7 is amended by revising paragraph (c) to read as follows:

§ 371.7 General license G-FTZ; exports of petroleum commodities from U.S. foreign-trade zones and from Guam.

* * * * *

(c) *Submission of Report.* (1) Quarterly reports required to be filed under paragraph (b) of this section should be—

(i) Mailed to—Resource Assessment Division, Office of Industrial Resource Administration, P.O. Box 663, Washington, D.C. 20044, or

(ii) Hand-carried to—Resource Assessment Division, Office of Industrial Resource Administration, Room 3877, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, D.C. 20230.

(2) Reports must be received no later than the 21st day of the month following the calendar quarter in which the export took place.

(3) Should it come to the Department's attention that an exporter has made an export shipment under the terms of this General License *G-FTZ* and has failed to report the details of such shipment by the 21st day of the month following the calendar quarter in which the shipment was made, the provisions of this general license may be withdrawn with respect to that exporter and the exporter may be instructed to apply for a validated license for all future export shipments which would otherwise be subject to the provisions of this General License *G-FTZ.*

8. Section 371.17 is amended by revising the introductory text of paragraph (a)(4), and paragraphs (f)(3)(iv), and (f)(3)(v) to read as follows:

§ 371.17 General license GLR; return or replacement of certain commodities.

* * * * *

(a) * * *

(4) *Reporting requirements.* The U.S. exporter servicing U.S.-origin commodities imported from Country Group P, Q, W, or Y shall report (OMB approval No. 0625-0066) each export of such serviced commodity to the Office of Export Administration at the address in § 371.2(h). The report must be submitted within two weeks of exportation. It shall be by letter and shall include—

* * * * *

(f) * * *

(3) * * *

(iv) A copy of each Shipper's Export Declaration covering an export under the provisions of this § 371.17(f)(3) to a destination in Country Group P, Q, W, or Y shall be sent to the Office of Export Administration at the address in § 371.2(h), at the same time copies are presented to the carrier as required by the provisions of Part 386.

(v) The exporter shall file a report (OMB approval No. 0625-0068.) on destruction or proof of return to the United States or to the foreign firm named in the certification on the Shipper's Export Declaration within two weeks of clearance of the replacement commodity through Customs. The reports shall be by letter addressed to the Office of Export Administration at the address in § 371.2(h) and shall cite the validated export license number under which the defective or otherwise unusable part or equipment had been exported. If the commodity has not yet been destroyed or returned, the report should so state and give an estimated date of destruction or return. A follow-on report by letter shall be submitted promptly upon the destruction or return of the commodity.

9. Section 371.19 is amended by revising paragraph (c) to read as follows:

§ 371.19 General license gats; aircraft on temporary sojourn.

* * * * *

(c) *Request for authorization of non-return.*—(1) *Authorization required.* Where it is decided that a U.S. registered aircraft that departed the United States under authority of this General License GATS, or any of its equipment, parts, accessories, or components will be sold or leased abroad, or will not be returned to the United States for any other reason, requests shall be made to the Office of Export Administration at the address in § 371.2(h) for authorization of such disposition.

(2) *How to file.* The request shall be made by letter, in original and one copy, setting forth, where applicable, the date on which the aircraft last departed from the United States, the reason for non-return to the United States, the country in which the aircraft will be registered, the commodity description, Export Control Commodity Number, value and quantity, as well as the name and address and identity of each party to the proposed transaction. In addition, the request shall be accompanied by all documents that would be required in support of an application for export license for shipment of the same commodity directly from the United States to the proposed destination.

(3) *OEA action.* If the request for authorization of non-return of the aircraft is approved, the Office of Export Administration will stamp the letter of request with the validation stamp of the U.S. Department of Commerce and return one validated copy to the applicant. If the request is not approved, the applicant will be advised by letter.

10. Section 371.22 is amended by revising paragraph (e)(1) to read as follows:

§ 371.22 General license GTE; temporary exports.

* * * * *

(e) *Request for authorization to sell or otherwise dispose of commodities abroad.*—(1) *Use of Form ITA-699P.* If the U.S. exporter wishes to sell or otherwise dispose of the commodities abroad or extend the retention of the commodities abroad, except as permitted by this general license, he shall request authorization therefor by submitting Form ITA-699P, Request to Dispose of Commodities or Technical Data Previously Exported (OMB approval No. 0625-0009), or a letter, to the Office of Export Administration at the address in § 371.2(h). (See § 374.3 for more information on reexport authorizations.) Such request shall comply with any special provisions of the Export Administration Regulations covering exports directly from the United States to the proposed destination, and shall be accompanied by any documents that would be required in support of any application for export license for shipment of the same commodities directly from the United States to the proposed destination. The Office of Export Administration will advise the U.S. exporter of its action.

* * * * *

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

11. Section 372.1 is amended by adding a new paragraph (f), reading as follows:

§ 372.1 General provisions.

* * * * *

(f) *OEA mailing address.* All forms, documentation and reports (OMB approval No. 0625-0001 and No. 0625-0003) submitted to the Office of Export Administration under this Part 372 should be mailed to—Office of Export Administration, P.O. Box 273, Washington, D.C. 20044, unless the regulation indicates another address.

12. Section 372.4 is amended by revising paragraphs (b), and (h)(1), to read as follows:

§ 372.4 How to apply for a validated license.

* * * * *

(b) *Assembly and submission of applications.*—(1) *Assembly.* All documents or correspondence accompanying the application should bear the applicant's reference number, if any, and be firmly stapled together in the upper left corner of the application. Applications that omit essential information will be returned without action.

(2) *Submission by mail.* Mail applications and related documents to the address in § 372.1(f).

(3) *Hand-carried submissions.* Hand-carry applications and related documents to—Exporters' Service Staff, Room 1099A, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, D.C. 20230.

* * * * *

(h) *Emergency clearance.* (1) When an exporter believes that an emergency situation necessitates expedited processing of an application, he should contact the Exporters' Service Staff of the Office of Export Administration (Telephone: 202-377-4811; telex: 892536; telecopier: 202-377-4515) or a Department of Commerce District Office. Since a signed application must be submitted to the Office of Export Administration or to a District Office before any action can be taken, use one of the following emergency procedures for submitting the application form to OEA:

(i) Hand-carry the application directly to—Exporters' Service Staff, Office of Export Administration, Room 1099A, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, D.C. 20230.

Private courier services guarantee overnight receipted delivery directly to the person designated. C.O.D. submissions will not be accepted.

(ii) Submit the application to a Commerce Department District Office, which will telegraph the details of the application to the Office of Export Administration at the applicant's expense. The District Office may in its discretion authorize the applicant to send the wire directly after depositing the signed application with the District Office.

(iii) Submit by U.S. Postal Express Mail Service to—Office of Export Administration, P.O. Box 273, Washington, D.C. 20044, with "Attn: Exporters' Service Staff-Emergency Clearance Required" marked on the envelope. Express mail service guarantees next day delivery by 10:00 a.m. to a Post Office in the receiving city and delivery by 3:00 p.m. to a designated mail drop, *i.e.*, the OEA post office box. This procedure assures next day delivery to the Exporters' Service Staff.

(iv) Emergency clearance of short supply commodities is handled differently. See § 377.1(c)(3) for procedures.

* * * * *

13. Section 372.6 is amended by revising paragraph (c)(2) to read as follows:

§ 372.6 Substantiation of facts on application.

* * * * *

(c) * * *

(2) *Inquiry regarding prospects of obtaining license or other authorization.* The Office of Export Administration gives a formal licensing decision only through the issuance of a license or other appropriate document. Such decisions are based upon the actual submission of a formal application or other formal request setting forth all the facts relevant to the export transaction and supported by all required documentation. However, if negotiations of the terms of an export order depend upon an indication of the prospects of obtaining an export license covering the transaction, the person proposing to export may submit an inquiry to the address in § 372.1(f),

before filing a license application. If at all possible, the Office of Export Administration will respond with a preliminary opinion on the outlook for approval. The inquiry, of course, should describe the proposed transaction in full detail and explain why an advisory opinion is needed.

* * * * *

14. Section 372.7 is amended by revising paragraph (b) to read as follows:

§ 372.7 Disclosure of prior action on the shipment.

* * * * *

(b) *Export without a license.* No license application or amendment request shall be submitted to the Office of Export Administration covering a shipment that is already laden aboard the exporting carrier or exported. If such export should not have been made without first securing a validated license authorizing the shipment, the exporter shall send an explanatory letter to Director, Compliance Division, P.O. Box 7138, Washington, D.C. 20044, or send a telegram to Director, Compliance Division, Office of Export Administration, Telex: 892536.

The explanation shall show why a validated license was not obtained and disclose all facts concerning the shipment that would normally have been disclosed on the license application or amendment request. The Office of Export Administration will inform the exporter of its action and furnish instructions to him by letter.

15. Section 372.8 is amended by revising paragraph (c)(3) to read as follows:

§ 372.8 Special types of individual license applications.

* * * * *

(c) * * *

(3) *Commodities not returned to the United States.* If it is decided that the commodities are not to be returned to the United States, Form ITA-699P, Request to Dispose of Commodities or Technical Data Previously Exported (OMB approval No. 0625-0009), or a letter, shall be sent to the Office of Export Administration at the address in § 372.1(f), requesting authorization to dispose of the commodities. (See § 374.3.) In addition, except where the commodities are to be used on a temporary basis only at the proposed reexport destination and returned to the United States after such use, the reexport request shall be accompanied by any documents that would be required in support of an export license application for shipment of the same commodity directly to the proposed destination.

* * * * *

16. The introductory paragraph of § 372.10 is revised to read as follows:

§ 372.10 Duplicate license.

If a license is lost or destroyed, the licensee may obtain a duplicate of the license by submitting a letter to the Office of Export Administration at the address in § 372.1(f), containing the following information—

* * * * *

17. Section 372.11 is amended by revising paragraph (g)(1) to read as follows:

§ 372.11 Amending export licenses.

* * * * *

(g) *Where to File*—(1) *Addresses.* (i) All requests for amendments to licenses (OMB approval No. 0625-0003) may be filed with the Office of Export Administration at the address in § 372.1(f).

(ii) In addition, the types of amendments described in § 372.11(g)(2) may be submitted to one of the following District Offices of the Department of Commerce:

Boston	New Orleans
Chicago	New York
Cleveland	Philadelphia
Dallas	Phoenix
Detroit	Portland, Ore.
Houston	St. Louis
Los Angeles	San Francisco
Miami	Savannah
Newark	Seattle

* * * * *

18. Section 372.13 is amended by revising paragraph (a) to read as follows:

§ 372.13 Special provisions for transfer of licenses to another party.

(a) *Authorization.* An export license shall not be transferred from the designated licensee to any other party, except by prior written authorization of the Office of Export Administration. Request authorization to transfer licenses by submitting the information required by § 372.13(c) and (d) to OEA at the address in § 372.1(f).

* * * * *

PART 373—SPECIAL LICENSING PROCEDURES

19. Section 373.1 is amended by adding a new paragraph (d), reading as follows:

§ 373.1 Introduction.

* * * * *

(d) *OEA Mailing Address.* All applications, reports or requests submitted to the Office of Export Administration under this Part 373 should be mailed to Office of Export Administration, P.O. Box 273, Washington, D.C. 20044, unless the regulation indicates another address.

20. Section 373.2 is amended by revising the first sentence to paragraph (c)(2) and the last sentence of paragraph (f)(1) to read as follows:

§ 373.2 Project license.

* * * * *

(c) * * *

(2) *Documents required.* An applicant for a Project License (OMB approval No. 0625-0002.) shall submit the following documents to the Office of Export Administration at the address in § 373.1(d):

* * * * *

(f) * * *

(1) * * * These copies shall be forwarded at the end of each month to: Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

* * * * *

21. Section 373.3 is amended by revising paragraphs (e)(1)(v), (f)(2)(i), (g), (i)(l)(iv), and (i)(3) to read as follows:

§ 373.3 Distribution license.

* * * * *

(e) * * *

(1) * * *

(v) *Table of Denial Orders.* The licensee under a Distribution License is responsible for furnishing promptly to each approved consignee, other than an end-user of the commodities, current reprints of the "Table of Denial Orders Currently in Effect" (Supplement No. 1 to Part 388) and each addendum thereto. The licensee is responsible for reproducing any addendum to the "Table of Denial Orders Currently in Effect" as provided in Export Administration Bulletins. Copies of reprints, generally issued semiannually, may be obtained without charge from the Office of Export Administration at the address in § 373.1(d).

* * * * *

(f) * * *

(2) * * *

(i) Notify the consignee that he will be receiving from the exporter reprints of the U.S. Department of Commerce "Table of Denial Orders Currently in Effect" and addenda thereto, listing individuals and firms to whom the consignee may not sell or otherwise dispose of the U.S. commodities received under the Distribution License; and

* * * * *

(g) *Special documentation for specific destinations.* If a Form ITA-6052 authorizes distribution or use within

Switzerland or Yugoslavia, a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate, as appropriate, must be obtained prior to any export or reexport to these destinations. As exports are completed to these destinations under the Swiss Blue Import Certificates and Yugoslav End-Use Certificates, they must be reported to the Office of Export Administration by submitting all completed certificates or copies of partially used certificates with a cover sheet identifying the month of complete or partial shipment. These should cover all such exports during the particular month and should be forwarded to the Office of Export Administration at the address in § 373.1(d). Partial shipments made after the certificates are transmitted to the Office of Export Administration shall continue to be reported monthly by letter, giving the certificate number, the quantities and dates of any such partial shipments made during the month, and the balance remaining unused at the end of the month. This special documentation requirement is also subject to certain recordkeeping provisions of § 373.3(1).

* * * * *

(i) *Reexports.* (1) * * *

(iv) An approved consignee, regardless of whether it is a subsidiary, affiliate or branch of the U.S. exporter, may reexport for use or distribution within Switzerland or Yugoslavia only if the reexport is covered by a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate, as applicable. The Swiss Blue Import Certificate need *not* be submitted to the Office of Export Administration, but shall be retained in accordance with the recordkeeping provisions described in § 373.3(1)(3). The original of each Yugoslav End-use Certificate issued, or a reproduced copy, if the original is required by the government of the country in which the distributor is located, shall be immediately forwarded by the distributor to the U.S. exporter. The original or reproduced copies received from the distributor shall be submitted by the U.S. exporter, on a monthly basis, to the Office of Export Administration at the address in § 373.1(d), with a letter identifying the distributors from which received (OMB approval No. 0625–0052). While an approved consignee in Switzerland, without obtaining a Swiss Blue Import Certificate, may stock commodities in Switzerland for reexport to other approved consignees in other countries, such commodities may be released for distribution or use within Switzerland only after a Swiss Blue Import Certificate covering the transaction has been obtained. These documents shall be retained in accordance with the recordkeeping provisions of § 373.3(1)(3).

* * * * *

(3) *Request for specific authorization.* A request for specific authorization for any reexport under a Distribution License that is not authorized by the provisions of § 373.3(i) (1) or (2) above, shall be submitted on a Form ITA–699P, Request To Dispose of Commodities or Technical Data Previously Exported, or by letter, (OMB approval No. 0625–0009.) to the Office of Export Administration at the address in § 373.1(d). (See § 374.3.) Each request shall be supported by any document that is required under the provisions of Part 375 in support of an individual export license application for shipment of the same commodities directly from the United States to the proposed destination.

* * * * *

22. Section 373.4 is amended by adding a new paragraph (d)(4) and by revising paragraphs (e)(3) and (f)(4) to read as follows:

§ 373.4 Qualified general license.

* * * * *

(d) * * *

(4) *OEA mailing address.* Send all documents to the Office of Export Administration at the address in § 373.1(d).

* * * * *

(e) * * *

(3) *Reporting.* The licensee must report all shipments occurring in a calendar month by the end of the month following the date of export or as directed in a specific condition to the approved license. Submit reports to: Director, Operations Division, Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

In each report, indicate the exporter's name, QGL number, ECCN, commodity description (including model number, quantity and value), the date of each shipment, the name and identification number of the approved consignee and any other specifically requested information. A brief description of any technical data and/or software shipped under GTDA or GTDR must be included. If shipment is made of commodities already abroad under Permissive Reexports provisions of § 374.2(b), indicate the country or countries from which shipment was made. Failure to file timely reports may result in the suspension or revocation of the QGL and in enforcement action described in Part 387 of the regulations.

(f) * * *

(4) *Corrections.* Refer to §§ 386.3(q) and 386.6 for provisions covering corrections of inaccuracies in Shipper's Export Declarations (SEDs) and commercial invoices. *Copies* of these corrections shall be forwarded to: Director, Compliance Division, P.O. Box 7138, Washington, D.C. 20044.

* * * * *

23. Section 373.7 is amended by revising introductory text of paragraph (d)(1), para (d)(2) (i) and (iv), the introductory text of (d)(3), and (e) and (h)(3) to read as follows:

§ 373.7 Service supply (SL) procedure. (OMB approval No. 0625–0041).

* * * * *

(d) * * *

(1) *Exports from the United States.* A U.S. person or firm may obtain a license, valid for twelve months, to export spare and replacement parts to consignees in Country Group T or V except Afghanistan for purposes of servicing U.S. equipment unless such consignees are listed in the U.S. Department of Commerce "Table of Denial Orders Currently in Effect" (see § 373.7(h)(3)). Under certain conditions, replacement parts (but not spare parts) may also be exported to Country Groups P, Q, W, and Y, and Afghanistan subject to the provisions set forth in § 373.7(i).

(i) * * *

* * * * *

(2) * * *

(i) *Country Groups T and V except Afghanistan.* A service facility located in Country Group T or V except Afghanistan may be authorized to use and to reexport spare and replacement parts to consignees in any other destination in Country Group T or V except Afghanistan to service U.S. equipment, unless such consignees are listed in the U.S. Department of Commerce "Table of Denial Orders Currently in Effect" (see § 373.7(h)(3)). If the service facility is approved, reexports are authorized in accordance therewith regardless of any restrictions imposed on reexports under the terms of the other licensing procedures. The service facility may also be authorized to service U.S. equipment in the country where the facility is located and return the serviced equipment to the country from which it was sent within Country Group T or V except Afghanistan. In addition, a service facility may be authorized to reexport to any of its U.S. exporter's other service facilities approved under the Service Supply procedure.

* * * * *

(iv) *Application.* The service facility shall submit an application to the Office of Export Administration at the address

in § 373.1(d). The application must include a letter requesting authorization to use and reexport spare and replacement parts under the *SL* Procedure , three completed copies of Form ITA–6052, Statement by Foreign Consignee in Support of Special License Application, and a comprehensive narrative statement by the operator of the service facility. The statement must include—

(A) Identity of the U.S. manufacturer(s) or U.S. exporter(s) that has (have) designated the facility to be its service facility;

(B) Expiration date of the designation in (A) above;

(C) Whether the service facility is under the effective control of the U.S. person or firm;

(D) Detailed description of the services performed by the service facility, as indicated on Form ITA–6052.

(3) *Reexports by foreign manufacturer.* A manufacturer located in Country Group T or V except Afghanistan who incorporates U.S.-origin parts into a product may be authorized to reexport to consignees in County Group T or V except Afghanistan such U.S.-origin parts as spare or replacement parts for servicing the manufactured products in the consignee's possession, unless such consignees are listed in the U.S. Department of Commerce "Table of Denial Orders Currently in Effect" (see § 373.7(h)(3)).

* * * * *

(e) *Exports and Reexports to Switzerland or Yugoslavia.* For an export or reexport of spare and replacement parts to service equipment located in Switzerland or Yugoslavia, the U.S. exporter or his approved service facility, or the authorized foreign manufacturer, must obtain for each transaction a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate showing the United States as the country of origin of the parts to be shipped. Exporters shall forward these documents to the Office of Export Administration in accordance with the provisions of § 373.7(k) below. Approved Form ITA–6052 holders (*i.e.*, foreign service facilities and manufacturers) shall forward, on a monthly basis, the originals of these documents (or reproduced copies if the originals are required by the government of the country in which the Form ITA–6052 holder is located) directly to the Office of Export Administration at the address in § 373.1(d). A letter of transmittal showing the SL License number of the approved Form ITA–6052 shall accompany the documents.

* * * * *

(h) * * *

(3) *Table of Denial Orders.* A U.S. parent firm shall furnish its foreign-based service facility(ies) or foreign manufacturer(s) with current reprints of the "Table of Denial Orders Currently in Effect" [7] when the validated Form ITA–6052 is forwarded. Thereafter, each addendum to the Table shall also be furnished promptly to each foreign-based facility or manufacturer. If the foreign-based service facility or manufacturer is not a U.S. subsidiary, the current Table will be sent with the validated Form ITA–6052 by the Office of Export Administration. Thereafter, it will be the responsibility of the facility or manufacturer to obtain each addendum to the Table, either by subscription to the Export Administration Regulations, by written request to the Office of Export Administration, or by other suitable arrangements.

* * * * *

24. The last sentence of § 373.7(k) introductory text is revised to read as follows:

§ 373.7 Service supply (SL) license. (OMB approval No. 0625–0041).

* * * * *

(k) * * * Submit reports (original only) to the Office of Export Administration at the address in § 373.1(d).

* * * * *

25. Section 373.8 is amended by revising paragraph (d)(1) to read as follows:

§ 373.8 Aircraft and vessel repair station procedure.

* * * * *

(d) * * *

(1) *Documentation.* The documentation provisions of the Export Administration Regulations require that, under specified circumstances, a foreign importer must send his U.S. exporter an Import Certificate, a Hong Kong Import License, a consignee/purchaser statement, a Swiss Blue Import Certificate, or a Yugoslav End-Use Certificate to support an applications for export license or a reexport request. Additionally, before U.S.-origin parts, accessories, equipment, or components may be used abroad in the repair, maintenance or servicing of aircraft or vessels, authorization must be obtained from the Office of Export Administration, either on the validated license or by other type of authorization. As an alternative to these requirements, a foreign importer may submit instead Form ITA–686, Statement by Foreign Importer of Aircraft or Vessel Repair Parts, to the Office of Export Administration in accordance with the procedure described below. Copies of Form ITA–686 are available from the Office of Export Administration, at the address in § 373.1(d), from all of the Department's District Offices, and from U.S. diplomatic and consular offices.

* * * * *

PART 374—REEXPORTS

26. Section 374.2 is amended by revising the introductory text (above the certification) of (a)(4)(ii) to read as follows:

§ 374.2 Permissive reexports[2].

(a) * * *

(4) * * *

(ii) Within 60 days of the reexport, submit the following written certification on letterhead stationery to—Director, Operations Division, Office of Export Administration, P.O. Box 273, Washington, D.C. 20044:

* * * * *

[2] * * *

27. Section 374.3 is amended by revising the italicized heading and by adding an introductory sentence to paragraph (b), reading as follows:

§ 374.3 How to request reexport authorization.

* * * * *

(b) *Request for Reexport Authorization for Commodities Previously Exported (OMB approval No. 0625–0009).*

To request authorization, submit the documentation described below to: Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

* * * * *

PART 375—DOCUMENTATION REQUIREMENTS

28. Section 375.3 is amended by revising paragraphs (b) and (i)(1)(i) to read as follows:

§ 375.3 International import certificate and delivery verification certificate

* * * * *

(b) *Destinations.* The following country destinations are subject to the International Import Certificate/Delivery Verification Certificate System requirements.[1]

[7] This table, in Part 388, lists names of all persons or firms currently denied export privileges.

[1] See § 375.4 for Swiss Blue Import Certificate requirements and § 375.5 for Yugoslav End-Use Certificate requirements.

Austria	Italy
Belgium	Japan
Denmark	Luxembourg
France	Netherlands
Germany, Federal Republic of (including West Berlin)	Norway
Greece	Portugal
Hong Kong (See paragraph (c)(3) of this section)	Turkey
	United Kingdom

(See Supplement No. 1 to this Part 375 for list of addresses in the above country destinations where foreign importers may obtain International Import Certificates.) The provisions of this § 375.3 do not apply to any overseas territories of the above destinations unless specifically listed.

* * * * *

(i) * * *

(1) * * *

(i) Delivery Verification Certificates (OMB approval No. 0625–0005.) are required by the Office of Export Administration on a selective basis. They may be required for exports of commodities exported under a validated license to any of the country destinations listed in paragraph (b) of this section, including commodities not identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (Supplement No. 1 to § 399.1) and commodities for which an exemption or exception to the Import Certificate requirement has been established in accordance with paragraphs (d) or (e) of this section. Where verification of delivery is required, the words "Delivery Verification required, see attached Form ITA–648P" will be stamped on the face of the export license. In addition, Form ITA–648P, Notification of Delivery Certification Requirement, will be attached to the license.[1] Where the license is sent directy to an agent or freight forwarder of the licensee, such agent or freight forwarder is responsible for notifying the licensee immediately in writing that a Delivery Verification Certificate is required. (See Supplement No. 1 to Part 375 for list of addresses where importers may obtain Delivery Verification Certificates.)

* * * * *

29. Section 375.7 is amended by revising paragraphs (e)(1) and (g)(2)(ii) to read as follows:

§ 375.7 Special provisions.

* * * * *

(e) * * *

(1) *Quantity on Certificate more than quantity on application.* When a Certificate covers a quantity in excess of the license application(s) submitted against it, the Office of Export Administration will retain the Certificate unless the exporter requests its return. Request the return of the Certificate in a letter addressed to: Office of Export Administration, P.O. Box 273, Washington, D.C. 20044. Include in the letter the name and address of the importer, the case numbers to which the Certificate applies, the Certificate number, and a statement that the Certificate will not be used in connection with another license application. Before returning the Certificate, the Office of Export Administration will stamp the Certificate to indicate that it may not be used against future applications.

* * * * *

(g) * * *

(2) * * *

(ii) Each request for exception shall be by letter (OMB approval No. 0625–0006.), in duplicate, addressed to: Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

It shall be accompanied by a Statement by Ultimate Consignee and Purchaser in accordance with § 375.2, unless such statement is already on file in the Office of Export Administration.

* * * * *

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

30. Section 376.8 is amended by revising the introductory text of paragraph (b)(2) to read as follows:

§ 376.8 Aircraft and equipment, parts, accessories, and components therefor.

* * * * *

(b) * * *

(2) *Records.* The airline that provides the U.S. commodities shall maintain records, in the detail set forth below, for a period of two years from the date of the transaction. These records shall be available for inspection, upon demand, by the U.S. Department of Commerce, a U.S. Foreign Service post, or any other accredited representative of the U.S. Government. In the event the airline is prohibited by foreign government regulation or statute from permitting a U.S. Government representative to inspect its records, the airline shall *submit a report* of such transactions at the end of each calendar quarter during which any transaction(s) occurs. The report shall be sent to: Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

As a minimum, the records and reports shall include the following information for each transaction—

(i) * * *

* * * * *

PART 377—SHORT SUPPLY CONTROLS AND MONITORING

31. Section 377.1 is amended by revising paragraph (c)(3) to read as follows:

§ 377.1 General provisions: short supply controls.

* * * * *

(c) * * *

(3) *Emergency clearance.* Exporters seeking emergency clearance for export or reexport of commodities subject to short supply export limitations should contact the Resource Assessment Division, Office of Resource Administration (Room 3877), U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, D.C. 20230 (Telephone: 202–377–3984) for instructions. Since commodities under short supply control may be subject to quantitative limitations, central control over their export is held by the Resource Assessment Division and neither the District Office nor the Exporters' Service Staff can provide detailed guidance in emergency situations.

* * * * *

32. Section 377.4 is amended by revising paragraphs (d)(1), (h) and the introductory text of (i)(2) to read as follows:

§ 377.4 Registration of U.S. agricultural commodities for exemption from short supply limitations on export.

* * * * *

(d) *Procedures for filing registration applications.* (1) Applications to register agricultural commodities must be submitted by a person or firm subject to the jurisdiction of the United States who is acting as a duly authorized agent for the foreign purchaser. Submit applications, in duplicate, by letter addressed to: Resource Assessment Division, Office of Industrial Resource Administration, P.O. Box 663, Washington, D.C. 20044.

The letter shall—

* * * * *

(h) *Export of registered commodities.* Upon export of commodities that are or have been registered, the person receiving storage approval shall report the export to: Resource Assessment Division, Office of Industrial Resource Administration, P.O. Box 663, Washington, D.C. 20044.

The report shall be by letter citing the storage approval and date issued, and certifying that the commodities have

[1] In certain instances, the licensee may be requested to submit a Delivery Verification Certificate under alternative procedures.

been withdrawn from registered storage and exported. The report shall also transmit—

* * * * *

(i) * * *

(2) In addition to the report required under § 377.4(h), the person to whom an export license has been issued under this provision shall report each export pursuant to such license, within 60 days of the final shipment under the license, to: Resource Assessment Division, Office of Industrial Resource Administration, P.O. Box 663, Washington, D.C. 20044.

The report shall be by letter, citing the applicable registered storage approval, and enclosing—

* * * * *

33. Paragraph (a) of § 377.5 is amended by revising the address to read:

§ 377.5 Cobalt and related commodities:

(a) * * *

Resource Assessment Division, Office of Industrial Resource Administration, P.O. Box 663, Washington, D.C. 20044.

* * * * *

§ 377.6 [Amended]

34. The introductory text of paragraph (d) of § 377.6 is amended by removing the words "Short Supply Program, Resource Assessment Division, U.S. Department of Commerce, P.O. Box 7138, Washington, D.C. 20044", and by inserting the words "Resource Assessment Division, Office of Industrial Resource Administration, P.O. Box 663, Washington, D.C. 20044" in place thereof.

35. Section 377.8 is amended by revising paragraph (d) and the last sentence of paragraph (j) to read as follows:

§ 377.8 Petitions for monitoring or controls.

* * * * *

(d) *Place of filing.* Petitions under this section may be filed by personal delivery during normal Department of Commerce business hours, to—Resource Assessment Division, Office of Industrial Resource Administration, Room 3877, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, D.C. 20230—or by mail to—Resource Assessment Division, Office of Industrial Resource Administration, P.O. Box 663, Washington, D.C. 20044. Petitions will be date-stamped upon receipt in the Resource Assessment Division. The date stamped on the petition will be the filing date for the petition.

* * * * *

(j) * * * The record, except for any confidential business information submitted under paragraph (i) of this section and any comments from agencies of the United States or foreign governments, will be available for public inspection and copying in the International Trade Administration Freedom of Information Records Inspection Facility, Room 3102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C.

* * * * *

PART 379—TECHNICAL DATA

36. Section 379.8 is amended by revising paragraph (c)(1) to read as follows:

§ 379.8 Reexports of technical data and exports of the product manufactured abroad by use of U.S. technical data.

* * * * *

(c) * * *

(1) *Submission of request for reexport authorization.* Requests for specific authorization to reexport technical data or to export any product thereof, as applicable, shall be submitted on Form ITA–699P, Request To Dispose of Commodities or Technical Data Previously Exported (OMB approval No. 0625–0009), to: Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

(See Supplement No. 1 to Part 374 for instructions on completing the form.) If Form ITA–699P is not readily available, a request for specific authorization to reexport technical data or to export any product thereof, as applicable, may be submitted by letter. The letter shall bear the words "Technical Data Reexport Request" immediately below the heading or letterhead and contain all the information required by § 379.5(d). Authorization to reexport technical data or to export the product thereof, if granted, will generally be issued with a validity period of 24 months on Form ITA–699P, or by means of a letter from the Office of Export Administration. Any request for extension of the validity period shall be requested in accordance with § 374.5(b), and shall specify the period, not to exceed 24 months, for which additional validity is required.

* * * * *

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

37. The last sentence of § 385.1 is revised to read as follows:

§ 385.1 Country Group Z [1]; North Korea, Vietnam, Kampuchea and Cuba.

* * * Requests for authorization to use U.S.-origin materials, parts, or components in products manufactured in foreign countries and destined for Cuba should be addressed in letter form to—Office of Export Administration, Attn: Parts and Components, P.O. Box 273, Washington, D.C. 20044, and should set forth all pertinent details of the transaction including, as a minimum, descriptions of the foreign-made product and the U.S. materials, parts, or components; the appropriate ECCN for each; the respective values of each; and the identity of the end-user in Cuba, if known.

* * * * *

PART 386—EXPORT CLEARANCE

38. Section 386.2 is amended by revising the italicized heading of paragraph (d) and paragraph (d)(4) to read as follows:

§ 386.2 Use of validated license [2]

* * * * *

(d) *Records of Validated License Shipments (OMB No. 0625–0051.)* * * *

(4) *Return of licenses.* The licensee shall return a license to the Office of Export Administration within 30 calendar days after—

(i) The license expires;

(ii) The full quantity authorized for export under the license is exported; or

(iii) The licensee determines that the license will not be used or will no longer be used.

However, if the Office of Export Administration revokes or suspends the license, the licensee shall return it immediately upon notification that the license has been revoked or suspended. The licensee shall complete the certification on the reverse of the license document and attach copies of any license amendments to the license, and return it to—Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

Until the license is forwarded, the licensee shall be prepared to make it and all other related export records available for inspection by the U.S. Government. (See § 387.13.)

* * * * *

39. Section 386.3 is amended by revising the introductory text of paragraph (o)(1), and paragragh (q)(1), and the introductory text (above the Certification) of (r)(2) to read as follows:

---

[1] * * *

[2] * * *

§ 386.3 Shipper's export declaration.

* * * * *

(o) * * *

(1) A validated license may bear on its face a requirement for specified documents (or information) in addition to that furnished when the application was filed. The licensee shall furnish these to—Office of Export Administration, Attn: Compliance Division, P.O. Box 7138, Washington, D.C. 20044, as follows:

* * * * *

(q) * * *

(1) *Methods of changing declarations.* Exporters (or their agents) shall report corrections, cancellations, additions or amendments to information reported on Shipper's Export Declarations to the Customs Directors at the port of exportation (or, in the case of mail shipments, to the Postmaster at the post office where the shipment was mailed) as soon as the need for such changes is determined.

Changes may be made directly on the originally filed Shipper's Export Declaration if the originally filed Declaration has not already been mailed to the Bureau of the Census. If the originally filed Shipper's Export Declaration has already been mailed to the Bureau of the Census, a photocopy, carbon, or other legible copy of the originally filed Shipper's Export Declaration, on which the incorrect data are neatly lined out and the corrected data entered, shall be promptly filed with the Customs Director at the port of exportation (or, in the case of mail shipments, with the Postmaster at the post office where the shipment was mailed). Any changes to the Declaration should be identified as such on the face of the Declaration. If the original Declaration was required by § 386.3(o)(1) to be filed with the Compliance Division of OEA, a copy of the changed Declaration should be sent to—Office of Export Administration, Attn: Director, Compliance Division, P.O. Box 7138, Washington, D.C. 20044, with the words "Correction Copy" conspicuously shown in the upper right portion of the form.

* * * * *

(r) * * *

(2) *Certification required in application.* A request for the privilege of participating should be forwarded to—Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233.

A copy should be sent to—Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

The request shall include a certification by the exporter as follows:

* * * * *

40. Section 386.9 is amended by revising paragraph (d)(1) to read as follows:

§ 386.9 Return or unloading of cargo at direction of U.S. Department of Commerce.

* * * * *

(d) * * * (1) Office of Export Administration, Attn: Director, Compliance Division, P.O. Box 7138, Washington, D.C. 20044; and * * *

PART 387—ENFORCEMENT

41. Section 387.13 is amended by revising paragraphs (g)(4) (i) and (ii) to read as follows:

§ 387.13 Recordkeeping.

* * * * *

(g) * * *

(4) * * *

(i) The recordkeeping entity shall submit requests for exceptions involving general export matters to: Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

(ii) The recordkeeping entity shall submit requests for exceptions involving antiboycott matters to: Office of Antiboycott Compliance, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Room 3899, Washington, D.C. 20230.

* * * * *

42. Section 387.14 is amended by revising paragraphs (a)(1) and (a)(2) (i) and (ii) to read as follows:

§ 387.14 Where to report violations.

(a) * * *

(1) If a person obtains knowledge that a violation of these Regulations has occurred or will occur, that person may notify—

Office of Export Administration, Attn: Compliance Division, P.O. Box 7138, Washington, D.C. 20044, Telephone (202) 377–3461, or

Office of Antiboycott Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Room 3899, Washington, D.C. 20230, Telephone (202) 377–2381,

as appropriate.

(2) * * *

(i) Office of Export Administration, Attn: Compliance Division, P.O. Box 7138, Washington, D.C. 20044, Telephone (202) 377–4608.

Failure to report such potential violations may result in the unwarranted issuance of validated export licenses or unlicensed exports to the detriment of national security, foreign policy or short supply interests of the United States.

(ii) Office of Antiboycott Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Room 3899, Washington, D.C. 20230, Telephone: (202) 377–2381

* * * * *

PART 388—ADMINISTRATIVE PROCEEDINGS

43. Paragraph (a)(3) of Supplement No. 1 to Part 388 is revised to read as follows:

Supplement No. 1 to Part 388, Table of Denial Orders Currently in Effect

(a) * * *

(3) *Table: Updating and availability.* The Table of Denial Orders is revised and updated semiannually by adding new or amended orders and deleting orders that have expired. Between the semiannual revisions of the Tables addenda are published in Export Administration Bulletins. The table does not appear in the CFR; however, copies are available from—Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

* * * * *

PART 389—APPEALS

44. Section 389.2 is amended by revising paragraph (b)(1) to read as follows:

§ 389.2 Appeal from an administrative action.

* * * * *

(b) *Appeal procedure.*—(1) *Filing.* An appeal under this Part must be received by the Office of the Assistant Secretary for Trade Administration, International Trade Administration, 14th Street and Pennsylvania Avenue, NW., Room 3898B, U.S. Department of Commerce, Washington, D.C. 20230, not later than 45 days after the date appearing on the written notice of administrative action.

* * * * *

PART 390—GENERAL ORDERS

45. Section 390.1 is amended by revising paragraph (b)(1) to read as follows:

§ 390.1 Advisory committees.

* * * * *

(b) * * *

(1) *Form and substance of requests.* Each request for the appointment of a technical advisory committee shall be submitted in writing to—Director, Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

The request shall include—

(i) A description of the articles, materials, or supplies including technical data, in terms of a clear, cohesive grouping (citing the applicable Export Control Commodity Numbers where practicable);

(ii) A statement of the reasons for requesting the appointment of a technical advisory committee; and

(iii) Any information in support of any contention that may be made that the request meets the criteria set forth in paragraph (b)(2) of this section.

* * * * *

(Secs. 13 and 15, Pub. L. 96-72, U.S.C. app. 2401 *et seq.;* Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, January 30, 1980) and 41-4 (45 FR 65003, October 1, 1980))

Dated: April 1, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82-9509 Filed 4-7-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Highway Administration

23 CFR Parts 1205 and 1252

[NHTSA Docket No. 81-12; Notice 3]

Highway Safety Programs; Determination of Effectiveness

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

ACTION: Final rule.

SUMMARY: This notice identifies, in accordance with section 1107(d) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), those State and local highway safety programs most effective in reducing accidents, injuries and fatalities. This final rule identifies the six most effective NHTSA and FHWA highway safety programs, provides for the continued eligibility of those programs for Federal funding under the State and Community Highway Safety Grant Program (23 U.S.C. 402), and establishes a mechanism by which additional programs identified by a State may be eligible for Federal funding. In addition, it continues the requirement that each State administer its highway safety program through a central State agency and specifies the Federal share for the planning and administration costs of the State Highway Safety Agencies.

DATE: The effective date of 23 CFR Part 1205 is October 1, 1982. The effective date of the amendment to 23 CFR Part 1252 is October 1, 1983.

FOR FURTHER INFORMATION CONTACT:

NHTSA: Mr. Charles Livingston, Associate Administrator for Traffic Safety Programs, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-0837).

FHWA: Mr. Lorenzo Casanova, Associate Administrator for Safety, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-755-9347) or Mr. Jerry Boone, Office of the Chief Counsel, Federal Highway Administration (202-426-0791).

SUPPLEMENTARY INFORMATION: For purposes of preparing its budget requests, in early 1981 the Department made a preliminary identification of four highway safety programs as having been the most effective in reducing accidents, injuries and fatalities. This action reflected a general concern within the Executive Branch over the diffuse character of funding in the State and Community Highway Safety Grant Program. Reflecting a similar desire to identify program areas of special priority, the Congress in the Omnibus Budget Reconciliation Act of 1981 directed the Secretary to conduct a more in-depth review of State and local highway safety programs to determine which have been most effective in reducing accidents, injuries and fatalities and to develop a process for funding additional program areas. In August 1981, NHTSA and FHWA began a joint rulemaking action to achieve this result. This is the third notice in that rulemaking process and constitutes the final rule as mandated by Congress.

The final rule identifies the six most effective NHTSA and FHWA highway safety programs, provides for the continued eligibility of those programs for Federal funding under the State and Community Highway Safety Grant Program (23 U.S.C. 402), and establishes a mechanism by which additional programs identified by a State may be eligible for Federal funding. In addition, it continues the requirement that each State administer its highway safety program through a central State agency and specifies the Federal share for the planning and administration costs of the State Highway Safety Agencies.

Although comments were not specifically requested on the proper role of the Federal government in highway safety, a number of commenters addressed this issue. Most of these supported strong Federal involvement. Several commenters stressed that Federal oversight was necessary to ensure the continuance of a coherent national safety effort, to provide technical guidance, and to disseminate information.

Although one commenter took exception to continued Federal funding, other commenters also noted that without Federal funding at adequate levels and the staff to administer those funds, the efforts of individual States would be weakened.

Identification of Priority Areas

The Notice of Proposed Rulemaking (NPRM) published on February 4, 1982 (47 FR 5254) identified five NHTSA-administered programs and one FHWA-administered program as being the most effective highway safety program areas. Those areas are:

NHTSA Program Areas:
- Alcohol Countermeasures
- Police Traffic Services
- Occupant Protection
- Traffic Records
- Emergency Medical Services

FHWA Program Area:
- Safety Construction and Operational Improvements

The majority of governmental agencies, State and local, who commented on this aspect of the rule agreed with the identification of these six areas as comprising the programs most effective in reducing deaths and injuries. In each of these program areas a problem exists which is of national concern and for which effective research-based countermeasures have been developed.

In determining which programs should receive national attention, NHTSA and FHWA examined the magnitude of each highway safety problem, the national trend or direction of the problem, the impact of existing countermeasures, and the potential for further impact on the specific problem.

Careful review of all of these factors led to the identification of the six areas enumerated in this rule. As stated in the NPRM, the agencies also reviewed prior program obligations as an indicator of where the States had placed their priorities in the past. Although useful, this information was not considered determinative in identifying the most effective program areas.

Several commenters suggested that additional programs be added to the priority list. Of the 19 governmental agencies which suggested additional programs, ten commented that more than six areas are needed to properly address highway safety problems, four recommended pedestrian programs be added, three each recommended adding motorcycle, bicyclist or driver education programs.

Of those nongovernmental organizations and individuals suggesting

additional programs, the one most frequently mentioned was motorcycle safety. NHTSA continues strongly to advocate motorcycle safety efforts and has assisted in the development of licensing and training programs that have proven to be effective. However, the motorcycle safety problem varies widely from State to State. Six States had more than 200 motorcyclist fatalities in 1980, but 21 States had fewer than 50 motorcyclist fatalities. In addition, the critical number of programs which have been proven effective in reducing accidents is relatively small as a result of the physical limits on countermeasures which are involved in motorcycle use. Because these physical limits have impeded the development of innovative countermeasures, and because of the variance in the problem, NHTSA believes that more scrutiny should be given to projects developed in this area and, consequently, such programs should be funded under the procedure established in this rule for State-identified highway safety problems. Advocates of motorcycle safety programs should, therefore, address their concerns to the respective State highway safety agencies.

Several other recommended additions to the listing addressed specific activities which would be fundable under already identified program areas and, therefore, these need not be considered separate priority areas. Frequently mentioned were the addition of traffic engineering services and safety training to the most effective FHWA program area. FHWA agrees these activities have often been essential "building block" activities in developing and implementing effective highway safety projects in the past, and in this context they would continue to be eligible under the proposed rule in the future. Generally, however, funding eligibility should be keyed primarily to the end purpose of the activity rather than the activity itself. For example, a wide range of activities such as accident analyses, photologging, traffic studies, safety training, and the like would be eligible provided their objective or product is directly related to improved identification and implementation of safety construction and operational improvements.

Funding Mechanisms

Commenters were asked to review two proposed funding alternatives and indicate their views as to which would best satisfy both the States' needs for flexibility and the Federal agencies' need for prudent fiscal oversight.

Alternative One would continue the existing funding mechanisms but limit Federal financial assistance to the six program areas identified in a final rule. Alternative Two would involve a two tier approach to funding, providing for a limited review of those programs in the six national priority areas, and allowing additional program areas to be funded subject to more detailed review by the State or Federal government.

The majority of commenters opposed Alternative One and supported Alternative Two (the two tier approach to funding).

The commenters' principal objection to Alternative One was its failure to provide sufficient flexibility for States to carry out highway safety programs which addressed problems unique to their jurisdictions and which might, therefore, not properly constitute national priority areas. Alternative Two, on the other hand, was strongly endorsed by the commenters because they felt it would allow for such differences between the States by permitting Federal funds to be utilized in appropriate cases for additional highway safety programs that a State identifies as particularly important for the solution of a significant highway safety problem within its boundaries.

The consensus of the commenters was that individual States could experience critical safety problems outside the scope of the priority areas and that these problems could not be effectively impacted without Federal assistance. While recognizing that oversight is an appropriate and necessary function for the Federal government, the commenters also stressed that flexibility must be incorporated into the final rule to allow States the opportunity to respond to their unique needs.

Accordingly, Alternative Two, the two-tier approach, is incorporated into this rule to encourage States to focus Federal funds on those areas which are of national concern, but also to enable States to fund additional program areas which might provide individual States with a level of payoff similar or higher to that found in the national priority areas.

Review Processes and Funding Mechanisms

The review process and funding mechanism for the areas of national concern will be substantially different from those for the non-priority areas. Likewise, the type and amount of review required by both the States and the Federal government in the non-priority areas will vary depending upon the character of the programs proposed for funding and the election by the State of one or both of the review mechanisms in those non-priority areas.

It will be up to each State to determine, subject to a limited review by NHTSA and FHWA, the national priority areas and the proportions in which it will propose to spend Federal funds. All NHTSA funds may be placed into one NHTSA priority area and all FHWA funds into the FHWA priority area or NHTSA's funds may be apportioned among all NHTSA priority areas, in whatever proportion the State deems appropriate. In response to a concern raised by one commenter, the agencies note at this time that the order of priority areas as listed in this Rule and in the NPRM should not be interpreted as reflecting agency views as to relative importance.

Several commenters questioned the inclusion of FHWA and its priority area in the 402 rulemaking in light of the Administration's Fiscal Year 1983 budget submission, which anticipates termination of separate FHWA 402 funding after Fiscal Year 1982. Termination of funding will require enactment of legislative proposals not yet before Congress. Rather than prejudge the outcome of final action on this legislation at this time, the FHWA portion of the rule has been structured to accommodate a range of possible futures. The designation and description of the FHWA national priority area that has been identified is compatible with continuation of a separate FHWA 402 authorization in Fiscal Year 1983, with FHWA 402 activities being combined as the planning component of a consolidated FHWA safety construction program, or with FHWA 402 activities being separated from those priority areas still eligible in Fiscal Year 1983 if FHWA funding is terminated.

As expressed in the NPRM, it is the expectation of NHTSA and FHWA, based upon comments by States and their representatives in this rulemaking, that a substantial portion of Federal funds will in fact continue to be devoted to the priority areas identified as having clear national importance. Several commenters suggested a specific percentage of Federal funds be earmarked for use in the priority areas. Based on an analysis of comments received from State highway safety agencies, the agencies expect that the States will focus on the priority areas. Consequently, NHTSA and FHWA see no need to incorporate such a restriction into the final rule.

The following is a description of the two tier approach to funding and review of State highway safety programs by the Federal government.

National Priority Area Funding and Review

The first tier of the funding mechanism will consist of programs falling within the six highway safety areas identified in this rule as the most effective in terms of reducing accidents. Projects included within these six areas will be subject to a minimum of Federal scrutiny, limited to a review of accurate problem identification and countermeasure selection.

Non-Priority Area Funding and Review

Projects falling outside the national priority areas will be subject to more detailed scrutiny, at either the Federal or the State level. The NPRM set forth two options for developing programs in non-priority areas proposed for Federal funding eligibility. The first option involved the adoption by the State of a formal decisionmaking process for identifying highway safety problems and effective solutions to those problems outside of the national priority areas. The second option involved continuing the use of the existing procedures for problem identification and countermeasure development, with a more stringent Federal review of programs outside of priority funding areas. Commenters were asked to specifically address the issue of whether one mechanism for funding non-priority areas was superior to the other or whether both should be incorporated into the final rule.

A majority of State highway safety agencies indicated that they would continue to utilize the existing problem identification/countermeasure development procedures, but that both options should be allowed to provide for maximum flexibility. Commenters favored the problem identification approach because of their experience with this procedural approach in the past. Some commenters indicated that the process approach was not sufficiently specified and expressed fears that the final rule would mandate a process that was too time-consuming, costly and subject to misinterpretation. Others, however, felt that they already utilized a workable process which takes all Federal, State and local constituencies into consideration and that they would merely need to formalize that process in order to satisfy the requirements of the process option. One State commenter expressed the view that the distinctions between the process approach and the problem identification approach were illusory only and that all States currently utilize the process approach in identifying problems and effective countermeasures.

Some commenters appear to have read the description of the problem identification approach as being only "business as usual," without reference to the description in the NPRM that "[proposals in non-priority areas] would receive a more detailed level of Federal review of their potential effectiveness, involving both the problem identification and countermeasure development aspects." (47 FR 5258.)

In the agencies' view a "business as usual" result would in effect nullify the entire rulemaking proceeding, and the desire of the agencies and the direction of the Congress to identify those measures deemed "most effective in reducing accidents, injuries, and deaths." The result of the current rulemaking proceeding, and the overwhelming weight of the comments received, is to establish the six areas identified herein as those which most fully meet that criterion.

Other areas, including those twelve additional areas subjected in this rulemaking process to detailed review, are in fact hereby found not to meet this criterion on a national level.

As result, future substantive Federal review of proposals not in priority funding areas will be more detailed than in the past, will be based in large part upon the findings of the current rulemaking process, and will normally require some showing of special circumstances, e.g., state-specific conditions, before Federal approval of projects under the statutory criteria may be given.

The detailed level of Federal substantive review will, of course, depend upon the specific proposal. In areas found in the current rulemaking process to represent serious problems but with relatively limited ranges of countermeasure opportunities, such as motorcycle safety, the agencies expect that specific programs based on historically proven countermeasures would readily be found to be among the State-specific "most effective" programs intended by Congress to be eligible for funding.

Based on the above comments, NHTSA and FHWA have decided to include both approaches in the final rule to become effective in Fiscal Year 1983. The formal decisionmaking approach consists of a State-adopted and Federally-approved process for identifying program areas that represent significant highway safety problems unique to that State, but which are outside the national priority areas. The problem identification approach consists of those procedures already established for the preparation of Highway Safety Plans and the evaluation of programs for Fiscal Year 1982, but with a more stringent level of substantive review by the Federal government of proposals by States for projects in non-priority areas. Both approaches are described in more detail below.

The Formal Decisionmaking Approach.—This approach is a method by which States could implement a formal decisionmaking process for highway safety plan development. The result of this decisionmaking process would be the identification by the State of those program areas that represent priorities within the State. Based upon the docket comments, most of these areas will be identical to those established by this rulemaking, but a State may identify an area which presents a major problem which is unique to that State.

The detailed description of this process would be submitted by a State to the Administrators of NHTSA and FHWA, as applicable, for a one-time approval. This submission could be part of the State's Highway Safety Plan for a given year or could be a separate submission.

In order to be approved, the specific process to be adopted must incorporate several criteria that are essential to guarantee that projects to be implemented are selected in a systematic manner, represent a balanced approach to highway safety, and take into consideration the views of all affected individuals and groups.

The process must rely on the State's traffic records as the foundation upon which all problem identification decisions are made and must be capable of eliciting factual determinations such as the cause and the extent of the problem, the relation of the problem to accidents, the geographic and demographic components of the problem, the countermeasures that will most effectively stabilize or decrease the specific problem, and a method of countermeasure evaluation.

Once a State implements an approved process, the State would thereafter be able merely to list and describe in its Highway Safety Plan those projects identified through an exercise of such an approved process as the most effective in reducing accidents, injuries and fatalities in that State, certify that those projects were identified in accordance with that process, and supply the final decisionmaking results.

The advantage of this approach is that, once approved, NHTSA and

FHWA would not thereafter review individual project proposals in detail but merely ensure that certification of compliance with the process was present, that the proposed projects fell within the program areas identified by that process and that criteria identical to that used to review the national priority areas were present.

The Problem Identification Approach.—This approach consists of using the existing procedures for problem identification and countermeasure development, including application of current funding guidelines. Because, however, the extensive and detailed proceedings involved in this rulemaking have in fact identified only six of the eighteen areas as representing truly national concerns, a greater degree of substantive review of proposed projects outside of such areas is clearly necessary and appropriate. The advantage of this approach is that all of the States currently utilize this procedure and are familiar with the review process.

Funding Guidelines

It is recognized that funding guidelines will be necessary to assist the States in identifying those costs which are allowable. Such NHTSA guidelines would, as in the past, be used to supplement the provisions of OMB Circular No. A–87 and NHTSA Order 460–4 (A–102), and would cover proposals under the new program that fall within NHTSA administered areas. Current guidelines were issued in May 1981 as "NHTSA 402 Funding Criteria, Limitations and Conditions" and were applicable to all Fiscal Year 1982 programs. They are in force at this time. A number of comments submitted to the docket as part of this rulemaking requested that these guidelines be clarified. Because of the substantial changes in policy and program approach reflected by the new Rule, such clarification will be necessary. The development of such guidelines will begin immediately upon completion of Congressional review of this rule. As soon as practicable, proposed new guidelines will be issued in the **Federal Register** for comment by States and communities. It is NHTSA's intent that that process be completed within sufficient time to allow States to begin to base their NHTSA funding decisions on the revised guidelines immediately. It is the expectation of NHTSA that States will be able to have the option of utilizing either the existing guidelines or the revised guidelines for Fiscal Year 1983 programs, with the revised guidelines to become binding with respect to Fiscal Year 1984 NHTSA programs.

Existing guidelines for FHWA are contained in "Federal Highway Administration Highway Safety Program Standards, Program Management Guide" (FHWA Order M7560.3, dated February 1976). The eligible activities listed in these guidelines will continue to be applicable in Fiscal Year 1983, subject to their direct relationship to the planning and implementation of program areas identified by the procedures in this rule.

Central State Agency

The Highway Safety Act of 1966 requires each State to have a designated highway safety agency. Interested parties were asked in the first notice issued in this rulemaking process to comment on the continued viability and need for this central state authority. Because of the uniform support by the States of the single state highway safety agency, the NPRM indicated that the proposed rule would not contain a provision to alter this aspect of the Federal highway safety program. The commenters to the NPRM who addressed this issue all endorsed this decision. They further emphasized the necessity of having an objective state agency to ensure uniform, comprehensive state-wide safety programs, and indicated that the non-partisan central state agency is the only effective means of disbursing funds objectively. As indicated in the NPRM, NHTSA and FHWA will, therefore, not make any recommendations to alter the central state agency approach.

Planning and Administration

The NPRM proposed that the Federal share for planning and administration costs of the State highway safety agencies be set at 50 percent, with a maximum Federal contribution of not more than 10 percent of each State's 402 funds. This arrangement, based on the Federal/State partnership approach to highway safety, also took into account the increasing budgetary constraints experienced at both Federal and State levels.

Most of those commenting on this issue supported the 50/50 share and the 10 pecent cap on Federal funds. Many States indicated that if Federal participation in planning and administration costs were eliminated they would have had to eliminate the central State highway safety agency by combining it with other State agencies, thus vastly decreasing its effectiveness.

Most States also recognized that the 10 percent limitation on the Federal contribution was necessary to ensure that sufficient funds were put into safety programs rather than being absorbed by administrative overhead. These requirements will, therefore, be incorporated into the funding guidelines for 402 programs to become applicable beginning with Fiscal Year 1984. The guidelines are set forth at 23 CFR Part 1252—State Matching of Planning and Administration Costs.

Future Reevaluations of Program Effectiveness

NHTSA and FHWA noted in the NPRM that as programs matured and new problems emerged, the areas chosen as national priority areas may need to be reevaluated to ensure that Federal financial assistance would continue to focus on the most effective highway safety programs. On the other hand, they noted that in order to adequately evaluate the priority programs, those areas must remain constant for a sufficient amount of time to allow projects to have a measurable impact nationally. Several commenters to the NPRM indicated that this latter concern was of overriding importance and requested that the priority areas not be changed for a specified period of years, with three to five years being the periods most frequently suggested. After carefully considering the ramifications of selecting a period of years over which the priority areas would not change, NHTSA and FHWA have decided against this approach. NHTSA and FHWA have every intention of maintaining the six areas selected as priority areas for a minimum of three years. However, given the arbitrary nature of selecting that period and the possibility that unforeseen circumstances may arise which will necessitate removing or adding a priority area prior to the close of whatever period is selected, the agencies have decided to not specify such a period at this time. All programs, whether falling within the priority or non-priority areas will be constantly reviewed and evaluated and if any changes are required at some future date NHTSA and FHWA will enter into a rulemaking action similar to this one to determine future priorities.

Miscellaneous Issues

Multistate Requirements

One commenter to the NPRM suggested the imposition of special requirements applicable only to multistate areas.

The commenter expressed disappointment over the manner in which metropolitan areas that

encompassed more than one State handle highway safety problems which extend beyond the bounds of their individual States. The commenter noted the lack of cooperation among the various jurisdications and recommended that funding criteria be developed to make these multistate areas more responsive to the needs of all individuals, not merely those within the boundaries of the State.

While NHTSA and FHWA appreciate the problems that citizens residing in these areas sometimes encounter, the agencies do not feel that they have sufficient information upon which to base such funding criteria. No specific recommendations were made concerning such issues as how to identify the areas to be included. Further, because the NPRM did not address this issue, other individuals and organizations have not had the requisite opportunity to comment upon it. However, NHTSA and FHWA will certainly be receptive to any future suggestions as to how the States or Federal government can reduce this problem.

Highway Safety Standards

Inherent in this rulemaking process is the subordinate issue of what will become of the 18 highway safety standards. These standards have formed the bases for State highway safety programs for a number of years and while not specifically addressed by this rulemaking, a number of commenters encouraged NHTSA and FHWA to maintain them as guidelines for use by the States. NHTSA and FHWA are currently reviewing the substance of the standards and anticipate that changes will be made subsequently by a rulemaking process.

Procedural Requirements

The agency has assessed the economic and other impacts of the final rule and determined that this is not a major rule within the meaning of Executive Order 12291. This notice has also been evaluated under the Department Regulatory Policies and Procedures, 44 FR 11034, and has been determined to be a nonsignificant regulation. The rulemaking will not affect the level of funding available in the highway safety program, or otherwise have a significant economic impact, so that neither a draft Regulatory Analysis nor a Preliminary Evaluation is required. To assist the agencies in the rulemaking process, however, an Evaluation has nonetheless been prepared and is available for inspection in the Docket.

We hereby certify that the final rule will not have a significant economic impact on a substantial number of small entities because States are the recipients of the funds distributed under this action. Therefore, preparation of an Initial Flexibility Analysis is not necessary.

In consideration of the foregoing, the following new 23 CFR Part 1205 is added which identifies the most effective highway safety programs and describes a process by which States may fund additional areas. This Part is to become effective on October 1, 1982. In addition, the following amendment to 23 CFR Part 1252 is made which establishes new limits on the Federal share for State planning and administration costs. This amendment is to become effective on October 1, 1983.

List of Subjects in 23 CFR Part 1205:

Highway safety.

List of Subjects in 23 CFR Part 1252:

Grant programs, Highway safety.

(Sec. 1107(d), Pub. L. 97–35; 95 Stat. 357 (23 U.S.C. 402); delegations of authority at 49 CFR 1.48 and 1.50)

Issued on April 1, 1982.

Ray A. Barnhart,

Federal Highway Administrator.

Raymond A. Peck, Jr.,

National Highway Traffic Safety Administrator.

1. A new Part 1205 is added to Title 23, Code of Federal Regulations, as follows:

PART 1205—HIGHWAY SAFETY PROGRAMS; DETERMINATIONS OF EFFECTIVENESS

Sec.

1205.1 Scope.
1205.2 Purpose.
1205.3 Identification of National Priority Program Areas.
1205.4 Funding procedures for National Priority Program Areas.
1205.5 Funding procedures for other program areas.

Authority: Sec. 1107(d), Pub. L. 97–35; 95 Stat. 357 (23 U.S.C. 402); delegations of authority at 49 CFR 1.48 and 1.50.

§ 1205.1 Scope.

This part identifies those highway safety programs that are eligible for Federal funding under the State and Community Highway Safety Grant Program (23 U.S.C. 402) and specifies the Federal funding requirements for those programs.

§ 1205.2 Purpose.

The purpose of this part is to establish national highway safety priorities and establish program areas within which highway safety programs developed by the states would be eligible to receive Federal funding.

§ 1205.3 Identification of National Priority Program Areas.

(a) Under statutory provisions administered by NHTSA, the following NHTSA-administered highway safety program areas have been identified as encompassing a major highway safety problem which is of national concern, and for which effective countermeasures have been identified. Programs developed in such areas are eligible for Federal funding, pursuant to guidelines issued by the National Highway Traffic Safety Administration and the review procedure set forth in § 1205.4:

(1) Alcohol Countermeasures
(2) Police Traffic Services
(3) Occupant Protection
(4) Traffic Records
(5) Emergency Medical Services

(b) Under statutory provisions administered by FHWA, the following FHWA-administered highway safety program area has been identified as encompassing a major highway safety problem which is of national concern, and for which effective countermeasures have been identified. The program developed in this area is eligible for Federal funding, pursuant to provisions of 23 U.S.C. 402(g), guidelines issued by the Federal Highway Administration and the review procedures set forth in § 1205.4:

Safety Construction and Operational Improvements.

§ 1205.4 Funding procedures for National Priority Program Areas.

If a State intends to use funds under 23 U.S.C. 402 to support a program that is within a National Highway Safety Priority Program Area, it shall submit as part of its annual Highway Safety Plan a three to five page overview of all highway safety problems identified in the State. The following procedure shall then apply:

(a) The State shall describe each highway safety problem within such Priority Areas, any countermeasure proposed to decrease or stabilize the problem, and the kinds of data relied upon in the making of such problem and countermeasure identifications.

(b) The State shall list the specific projects proposed to implement such countermeasures and the criteria for project selection.

(c) The State shall conduct an evaluation of its programs of the prior year, and shall describe the evaluation in the annual Highway Safety Plan.

(d) NHTSA and/or FHWA, as applicable, shall review the State's Highway Safety Plan, to determine whether each proposed program addresses the identified problems.

(e) If the State meets the criteria of paragraphs (a) through (d), of this section, NHTSA or FHWA, as applicable, shall approve the program as part of the Highway Safety Plan.

§ 1205.5 Funding procedures for other program areas.

If a State intends to use funds under 23 U.S.C. 402 to support a project that is not within a National Highway Safety Priority Program Area, the State shall describe the project in its annual Highway Safety Plan, and shall, at its option, select one or both of the following procedures:

(a) *Formal decisionmaking.* Under this procedure, the State shall first develop and submit as part of its annual Highway Safety Plan or by a separate submission a formal administrative decisionmaking process for identifying highway safety problems and corresponding countermeasures. Upon approval of the Plan and adoption by the State of the process involved, a State may thereafter certify in subsequent Plan submissions that it has developed each proposed project in accordance with the described process. NHTSA or FHWA shall on such subsequent submissions consider the findings and determinations made by the State pursuant to such process to be determinative and shall review proposed projects only pursuant to the limited review criteria applicable to the projects subject to § 1205.4. NHTSA and/or FHWA, as applicable, shall review and approve proposed State administrative processes pursuant to the following general criteria:

(1) Use of State data on traffic accidents to determine the magnitude and severity of the highway safety problems by geographic area and target group.

(2) Determination of related system deficiencies and driver behavior deficiencies that can be stabilized or remedied by countermeasure approaches.

(3) Development of countermeasures to remedy the problems. Priorities should be assigned based on the following considerations:

(i) Estimates of the impact on accidents and injuries;

(ii) Cost effectiveness;

(iii) Past program and project results;

(iv) Innovative approaches;

(v) Comprehensiveness of programs;

(vi) Catalytic and leverage effects; and

(vii) Prospects for activities to be self-supporting or continued with State/local resources after Federal funds are discontinued.

(4) Development of projects from the countermeasure approaches that ensure consultation with affected groups and participation by the public. This shall be accomplished by conducting public meetings to identify traffic safety problems and to recommend alternate countermeasure solutions.

(5) Development of administrative and impact evaluations for the projects, as appropriate.

(b) *Problem identification.* Under this procedure, the State shall submit information on individual proposed projects. NHTSA or FHWA, as applicable, shall approve each project if it addresses the identified problem in a manner reasonably calculated to decrease or stabilize the problems. The State shall submit, at a minimum, the following information:

(1) The State and local data on traffic accidents used to determine the magnitude and severity of the particular highway safety problem by geographic area and target group.

(2) The impact each project is estimated to have on traffic accidents and injuries.

(3) Estimates of the resources necessary to carry out planned activities and projects.

(4) The relation of each project to a comprehensive, balanced program.

(5) The improvements in program operational efficiency and/or cost effectiveness which are expected as a result of the implementation of each project.

(6) The commitment of State and/or local resources to each project.

(7) The prospects for activities to be self-supporting or continued with State/local resources after Federal funds are discontinued.

(8) The criteria to be used to conduct administrative and impact evaluations of products, as appropriate.

PART 1252—STATE MATCHING OF PLANNING AND ADMINISTRATIVE COSTS

2. 23 CFR Part 1252 is amended as follows:

a. Section 1252.4 shall be amended to read as follows:

§ 1252.4 Policy.

Federal participation in P&A activities shall not exceed 50 percent of the total cost of such activities, or the applicable sliding scale rate in accordance with 23 U.S.C. 120. The Federal contribution for P&A activities shall not exceed 10 percent of the total funds the State receives under 23 U.S.C. 402. In accordance with 23 U.S.C. 120(i), the Federal share payable for projects in the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands shall be 100 percent. The Indian State, as defined by 23 U.S.C. 402 (d) and (i), is exempt from the provisions of this part. NHTSA funds shall be used only to finance P&A activities attributable to NHTSA programs and FHWA funds shall be used only to finance P&A costs attributable to FHWA programs.

b. Section 1252.5 (a) and (b) shall be amended to read as follows:

§ 1252.5 Procedures.

(a) P&A tasks and related costs shall be described in the P&A module of the State's Highway Safety Plan. The State's matching share shall be determined on the basis of the total P&A costs in the module. Federal participation shall not exceed 50 percent (or the applicable sliding scale) of the total P&A costs. A State shall not use NHTSA funds to pay more than 50 percent of the P&A costs attributable to NHTSA programs nor use FHWA funds to pay more than 50 percent of the P&A costs attributable to FHWA programs. In addition, the Federal contribution for P&A activities shall not exceed 10 percent of the total funds in the State received under 23 U.S.C. 402.

(b) FHWA and NHTSA funds may be used to pay for the Federal share of P&A costs up to the amounts determined by multiplying the Federal share by the ratio between the P&A costs attributable to FHWA programs and the P&A costs attributable to NHTSA programs. For example: A State's total P&A costs are $40,000. The State's share is 50 percent or $20,000. To pay the remaining $20,000, the State first ascertains the amount spent out of the total costs for each agency's programs, then applies the ratio between these two amounts to the $20,000. If $36,000 of the total costs are spent for NHTSA programs and $4,000 for FHWA programs, the ratio would be 9/1 and the corresponding allocation of the Federal share would be $18,000 to NHTSA and $2,000 to FHWA.

(Sec. 1107(d), Pub. L. 97-35; 95 Stat. 357 (23 U.S.C. 402); delegations of authority at 49 CFR 1.48 and 1.50)

[FR Doc. 82-9112 Filed 4-1-82; 12:09 pm]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Income Tax; Taxable Years Beginning After December 31, 1953; Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for the Taxable Year 1981 and Estimated Tax for the Taxable Year 1982

AGENCY: Internal Revenue Service, Treasury.

ACTION: Proclamation.

SUMMARY: This proclamation announces the percentage to be used to compute the income tax liability of foreign corporations carrying on life insurance business in the United States.

EFFECTIVE DATE: March 15, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Hudson Milner, Office of Tax Analysis, U.S. Treasury Department, Washington, D.C. 20220 (202–566–2705), not a toll free call.

SUPPLEMENTARY INFORMATION: This proclamation, issued each year by the Secretary of the Treasury, announces the percentage to be used to compute the income tax liability of foreign corporations carrying on life insurance business in the United States.

PROCLAMATION

For purposes of computing the 1981 income tax of foreign corporations carrying on a life insurance business, a percentage of 16.5 shall be used in determining the "minimum figure" under section 819. The same percentage shall be used for purposes of computing the estimated tax and the installment payments of estimated tax for the taxable year 1982. No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1982 which results solely from the use of this percentage.

This proclamation is issued without notice and public procedure because the public cannot effectively participate in the determination of the percentage. It is computed from information contained in income tax returns that are not open to the public. The proclamation was not published prior to its effective date because the percentage is computed on the basis of data which was not then available.

John E. Chapoton,
Assistant Secretary, Tax Policy.
April 2, 1982.

[FR Doc. 82-9550 Filed 4-7-82; 8:45 am]
BILLING CODE 4810-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 56

[DoD Directive 1020.1]

Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This final rule implements Section 504 of the Rehabilitation Act of 1973, as amended (the Act). The rule is intended to prescribe DoD responsibilities, establish enforcement procedures, outline standards for determining who is handicapped, and illustrate what practices are considered to be discriminatory. The procedures, standards, and guidelines are to be followed by each DoD Component that disburses federal financial assistance and by each DoD Component that sponsors or conducts activities that are subject to the Act, as amended.

EFFECTIVE DATE: June 1, 1982.

FOR FURTHER INFORMATION CONTACT: Claiborne D. Haughton, Jr., Director of Equal Opportunity Programs (Civilian), Office of the Deputy Assistant Secretary of Defense (Equal Opportunity and Safety Policy), Room 3E784, The Pentagon, Washington, D.C. 20301, (202) 695–0106, or Jerald H. Anderson, Deputy Director for Compliance, (202) 697–4854.

SUPPLEMENTARY INFORMATION:

Background

On October 11, 1979, the Office of the Secretary of Defense published FR Doc. 79–31276 (44 FR 58750), a proposed rule to implement Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93–112), as amended by Section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978 (Pub. L. 95–602), 92 Stat. 2982, 29 U.S.C. 794 (Supp. III 1979), and invited comments from the public. Comments were received from numerous individuals and organizations.

As a result of these comments, the Office of the Secretary of Defense has modified the final rule as discussed below. The final rule includes guidance implementing the 1978 amendments to the Act, which extend Section 504 to programs and activities conducted by the U.S. Government, including the Department of Defense. The rule was further developed in accordance with program guidelines established by the Department of Health, Education and Welfare and adopted by the Department of Justice (28 CFR Part 41), which implement Executive Order 12250 (45 FR 72995). This rule will be modified to comply with any revision that the Department of Justice makes to those guidelines.

Summary of Rule and Analysis of Comments

A. Change in Title

Several commenters noted that the proposed rule did not address the 1978 amendments to the Act. The title of the rule and §§ 56.2 and 56.7 were revised to make programs and activities conducted by DoD Components subject to the nondiscrimination and accessibility requirements.

B. Analysis of Comments

1. Sections 56.1 and 56.2. These sections have been revised to incorporate provisions of Section 119 of the 1978 amendments (Pub. L. 95–602) to the Act.

2. Section 56.3. The definition of the term "handicapped person" has been revised to incorporate the provisions of Section 122 of the 1978 amendments (Pub. L. 95–602) to the Act.

The terms "historic properties" and "substantial impairment" were added as the result of including programs and activities conducted by the Department of Defense to this part.

The terms "include" and "such as" were added for clarity and to indicate that any provisions following such term are illustrative only and are not exhaustive of all possible provisions.

3. Section 56.4. This section has been shortened to establish the basic policy of the Department of Defense. Section 56.4(b)(e) of the proposed rule have been moved to § 56.5 of the final rule.

4. Section 56.5. This section has been restructured to add responsibility statements removed from § 56.4 of the proposed rule and to provide for the appointment of a policy-level official in each DoD Component.

Section 56.5(b) of the proposed rule has been deleted for purposes of clarity. Since the proposed rule was published October 11, 1979, the Deputy Assistant Secretary of Defense (Equal Opportunity) has been redesignated as

the Deputy Assistant Secretary of Defense (Equal Opportunity and Safety Policy), (DASD(EO&SP)).

5. Section 56.6. This Section has been retitled and a new provision has been added to properly reflect inclusion of the recipient self-evaluation required by § 56.9(c) of this part.

6. Section 56.7. Some comments expressed concern that a program or activity not listed in this Section but subject to Section 504 would be omitted from DoD Component compliance activity. A new Paragraph was added to ensure that all programs and activities subject to Section 504 would be covered even if not listed. A new Paragraph identifying DoD programs subject to the 1978 amendments to the Act was also added. Some statutory citations were changed or deleted based upon a review of authorizing legislation.

7. Section 56.8. Section 56.8(a) was revised to prohibit the outright denial of an aid, program, or benefit to otherwise qualified handicapped persons because of their handicapping conditions; to specify that a recipient may not provide an unequal opportunity for handicapped and nonhandicapped individuals to obtain or participate in such aid, program, or benefit; and to specify that such aid, program, or benefit must be as effective as that provided to those who are not handicapped.

Section 56.8(c)(1)(ii) of the proposed rule was moved to § 56.8(a)(7) of the final rule for clarity, and § 56.8(a)(11) was added to the final rule to ensure the presence of auxiliary aids at covered programs and activities.

Section 56.8(b) was revised to provide for reasonable accommodation to handicapped employees or applicants and to cover the use of employment tests and pre-employment physical examinations. The language of 28 CFR 41.52(b) has not been expressly included in this paragraph because this part already contains the protections afforded by that language.

Some comments about § 56.8(c) of the proposed rule were concerned with the substitution of Chief of Engineers Manual EM 1110–1–103 for American National Standards Institute (ANSI) A117.1 (1980). The DoD publications cited in this Paragraph meet or exceed ANSI A117.1 (1980). In addition, clarifying language has been added. Minimal criteria for the content of transition plans for modifications to existing facilities have been established and alternate methods of access to programs in lieu of modifications to existing facilities have been clarified.

A new provision (§ 56.8(6)(4)) on historic properties, which meets the criteria of the Advisory Council on Historic Preservation, has been added (see 45 FR 9757), and a new provision (§ 56.8(c)(5)) on program accessibility to military museums has been added as a result of the 1978 amendments to section 504.

Several comments pointed out that although several parts of the proposed rule mentioned reasonable accommodation, the topic was not completely discussed and did not meet the requirements of the guidelines at 28 CFR 41.53. Therefore, § 56.8(d) was added to correct those deficiencies.

8. Section 56.9. Section 56.9(a)(1) has been modified to allow DoD Components 120 days to develop supplementary guidelines instead of the 90 days initially proposed. This is in accord with established DoD policy. In addition, the paragraph has been modified to reflect the transfer of Section 504 coordinatinng authority to the Department of Justice and the assignment of new coordinating authority to the Equal Employment Opportunity Commission.

Section 56.9(a)(2) has been modified to require that DoD Component supplementary guidelines require recipients to designate a responsible official to coordinate the implementation of the supplementary guidelines.

Some comments noted that the time frame established by § 56.9(c) for consultations by recipients with constituent groups to develop a self-evaluation plan of compliance with this Part was too long. The consultation period, therefore, has been reduced from one year to six months.

A new provision was added to § 56.9(d) to require that information disseminated by recipients be understandable and that information about complaint filing and appeal procedures be included in recipient program material.

The phrase "retaliating against" has been added to § 56.9(e) for clarity.

Many persons commented that § 56.9(f) and (g) of the proposed rule were difficult to understand due to their complex structure. Consequently, § 56.9(f) of the proposed rule has been restructured into §§ 56.9(f)–(m) in the final rule. Section 56.9(g) of the proposed rule has been restructured into §§ 56.9(n)–(t) in the final rule.

Section 56.9(f) of the final rule was created from § 56.9(f)(1) of the proposed rule, with editorial changes only.

A provision has been added to § 56.9(g) to permit the photographing of recipient facilities during DoD Component compliance reviews or complaints investigations. This Paragraph was created from § 56.9(2) of the proposed rule.

Section 56.9(h) of the final rule was created from § 56.9(f)(3) of the proposed rule. Only editorial changes were made.

Only editorial changes were made to § 56.9(i) of the final rule when it was created from § 56.9(f)(4)(i) of the proposed rule.

Section 56.9(j) of the final rule was fashioned from § 56.9(f)(4)(ii) of the proposed rule. Only editorial changes were made.

Section 56.9(k) of the final rule was carved from § 56.9(f)(4)(iii) of the proposed rule. Editorial changes were made and a new provision was added concerning review of recipient complaint investigations by DoD Components.

Section 56.9(i) of the final rule, which was originally proposed as § 56.9(f)(4)(iv), was adopted with only editorial changes. New language was also added concerning compliance by DoD Components with the Act.

Section 56.9(m) of the final rule was created from § 56.9(f)–(4)(v) of the proposed rule with editorial changes only.

Section 56.9(n) of the final rule was adopted from the introduction to § 56.9(g) of the proposed rule. Language was added concerning the authority of DoD Components to require remedial action to overcome the effects of past discrimination in recipient programs and the identification of those persons eligible to benefit from that remedial action.

Section 56.9(o) of the final rule was carved from § 56.9(g)(1) of the proposed rule with editorial changes only.

Section 56.9(p) of the final rule was taken from § 56.9(g)(2) of the proposed rule. Only editorial changes were made.

Section 56.9(q) of the final rule was taken from § 56.9(g)(3)–(i), (ii), and (iii) of the proposed rule. Only editorial changes were made.

Section 56.9(g)(3)(iv)(A)–(G) of the proposed rule were given a new format by making them into § 56.9(r) of the final rule. Editorial changes were also made. Section 56.9(g)(3)(iv) (c) and (g) of the proposed rule were deleted from the final rule as being unnecessary.

Section 56.9(g)(3)(H), (1)–(6) of the proposed rule were restructured, with editorial corrections only, to comprise § 56.9(s) of the final rule.

Section 56.9(t) of the final rule was created from § 56.9(g)(4) of the proposed rule. Only editorial changes were made.

Section 56.9(h) of the proposed rule has become § 56.9(u) of the final rule. Only editorial changes were made.

Section 56.9(v) of the final rule was created from § 56.9(i) of the proposed rule. A new provision about coordination with the Department of Labor concerning possible violations of Section 503 of the Act was added for clarity.

9. Section 56.10. This new section was created to clarify compliance procedures affecting programs and activities conducted by the Department of Defense as differentiated from federal financial assistance program compliance procedures. Procedures in this Section apply to programs listed in § 56.7(c), while procedures in § 56.9 of this part apply to programs listed in § 56.7(b).

Regulatory Analysis

On June 19, 1981, the Court in "Paralyzed Veterans of America v. Smith," No. CV 79–1979 WPG (C.D.Cal.), issued a preliminary injunction ordering several agencies to publish "on an expedited basis" final regulations implementing Section 504 of the Rehabilitation Act of 1973. This final rule is being published pursuant to that injunction.

The Office of Management and Budget has waived the regulatory impact analysis requirement of Executive Order 12291 in order to facilitate the "expedited" issuance of this rule.

DoD believes that this rule does not constitute a "major rule" under Executive Order 12291 in that compliance with its provisions will have an annual anticipated effect on the economy of less than $100 million. The costs incurred by DoD in complying with Title VI of the Civil Rights Act of 1964, a companion program to Section 504, totaled $387,000 in FY 1981. Since the final regulation will utilize the same compliance system, additional costs to enforce Section 504 should not be significant.

The anticipated costs to recipients of federal financial assistance disbursed by DoD appear to be concentrated in the removal of architectural barriers, in the reasonable modification of employment practices to accommodate qualified handicapped persons as employees of recipients, and in the modification of programs or in the preparation of alternatives to ensure access of handicapped persons to federal programs and activities subject to the 1978 Amendments to the Act. These costs will not approach $100 million.

This final rule is required by Section 504 of the Rehabilitation Act of 1973, as amended, and implementing guidelines published at 28 CFR 41. There is no alternative to the issuance of this rule. Section 56.9(n)–(v) of this part will use the same administrative enforcement system established in DoD Directive 5500.11, "Nondiscrimination in Federal Financial Assistance Programs" (32 CFR Part 300), which implements Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000–d (1976). Hence, administrative costs and burdens will be minimized.

The Department of Justice under Executive Order 12210 and the Equal Employment Opportunity Commission under Executive Order 12067 are currently reviewing program guidelines initially established by the Department of Health, Education and Welfare (28 CFR Part 41), which established criteria for implementation of Section 504 among the various agencies. It is the intention of the Department of Justice to promulgate a single regulation coordinating the enforcement of all nondiscrimination statutes assigned to it by Executive Order 12250. When the Department of Justice and the Equal Employment Opportunity Commission issue new guidance, DoD will revise this rule if necessary.

Public comments are requested on the economic impact of this rule. Any comments received will be considered in conjunction with revisions necessary to comply with future Department of Justice requirements. This notice, therefore, is intended to serve as an announcement of a final rule and advance notice of a proposed rulemaking to consider whether to change that rule. All comments should be submitted to the Deputy Assistant Secretary of Defense (Equal Opportunity and Safety Programs), Room 3E784, The Pentagon, Washington, D.C. 20301.

List of Subjects in 32 CFR Part 56 Civil Rights, Handicapped

In consideration of the foregoing, Chapter I, 32 CFR is amended by adding a new Part 56 as set forth below. This rule has been reviewed and approved by the Department of Justice pursuant to Executive Order 12250, the Equal Employment Opportunity Commission pursuant to Executive Order 12067, and by the Office of Management and Budget pursuant to Executive Order 12291.

PART 56—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES ASSISTED OR CONDUCTED BY THE DEPARTMENT OF DEFENSE

Sec.

56.1 Purpose.
56.2 Applicability and scope.
56.3 Definitions.
56.4 Policy.
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56.9 Ensuring compliance with this part in federal financial assistance programs and activities.
56.10 Ensuring compliance with this part in programs and activities conducted by the Department of Defense.

Authority: Pub. L. 93–112, sec. 504 29 U.S.C. 794, as amended by Pub. L. 95–602, 92 Stat. 2982; Pub. L. 93–112, sec. 7, 29 U.S.C. 706, as amended by Pub. L. 93–516, 88 Stat. 1619; Executive Order 12250; Executive Order 12291; Executive Order 12067.

§ 56.1 Purpose.

This part implements section 504 of Pub. L. 93–112, "Rehabilitation Act of 1973," September 26, 1973 (29 U.S.C. 794) (1976); section 111 of Pub. L. 93–516, "Rehabilitation Act Amendments of 1974," December 7, 1974 (29 U.S.C. 706, 780, 790) (1976); section 119 of Pub. L. 95–602, "Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978," November 6, 1978 (29 U.S.C. 794) (Supp. III 1979); and Department of Justice Regulation, "Implementation of Executive Order 12250, Nondiscrimination on the Basis of Handicap in Federally Assisted Programs," August 11, 1981 (28 CFR Part 41) to prohibit discrimination based on handicap in programs and activities receiving federal financial assistance disbursed by the Department of Defense and in programs and activities conducted by the Department of Defense.

§ 56.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the National Guard Bureau, and the Defense Agencies (hereafter referred to as "DoD Components") insofar as they:

(1) Extend federal financial assistance to programs and activities that affect handicapped persons in the United States and that are covered by this part. (See § 56.7(b)).

(2) Conduct programs and activities that affect handicapped persons in the United States and that are covered by this part (See § 56.7(c)).

(b) This part also applies to each recipient of federal financial assistance disbursed by the Department of Defense and to each program and activity that receives or benefits from such assistance, insofar as such recipient, program, or activity affects a handicapped person in the United States.

§ 56.3 Definitions.

(a) *Facility.* All or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or any interest in such property.

(b) *Federal financial assistance.* Any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the federal government provides or otherwise makes available assistance in the form of:

(1) Funds.

(2) Services performed by federal personnel, including technical assistance, counseling, training, and provision of statistical or expert information.

(3) Real and personal property or any interest in or use of such property, including:

(i) Transfers or leases of such property for less than fair market value or for reduced consideration.

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

(c) *Handicapped person.* Any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. For purposes of this Directive as it relates to employment programs of recipients, such term does not include any individual who is an alcoholic or drug abuser and whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question, or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or to the safety of others. As used in this paragraph:

(1) *Physical or mental impairment.* Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal and special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term includes such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, and muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; drug abuse; and alcoholism.

(2) *Major life activities.* Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

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

(4) *Is regarded as having an impairment.* Has:

(i) A physical or mental impairment that does not substantially limit major life activities but is treated by a recipient or DoD Component as constituting such a limitation;

(ii) A physical or a mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) None of the impairments defined above, but is treated by a recipient or DoD Component as having such an impairment.

(d) *Historic properties.* Those properties listed or eligible for listing in the National Register of Historic Places.

(e) *Include; such as.* Not all the possible items are covered, whether like or unlike the ones named.

(f) *Qualified handicapped person.* A handicapped person who:

(1) With respect to employment, can perform the essential functions of the job in question with reasonable accommodation.

(2) With respect to services, meets the essential eligibility requirements for receiving the services in question.

(g) *Recipient.* Any state or political subdivision or instrumentality thereof, any public or private agency, institution, organization, or other entity, or any person that receives federal financial assistance directly or through another recipient, including any successor, assignee, or transferee of a recipient, but not the ultimate beneficiary of the assistance. The term includes persons and entities applying to be recipients.

(h) *Substantial impairment.* A significant loss of the integrity of finished materials, design quality, or special character resulting from a permanent alteration.

§ 56.4 Policy.

It is DoD policy that no qualified handicapped person shall be subjected to discrimination on the basis of handicap under any program or activity that receives or benefits from federal financial assistance disbursed by a DoD Component or under any federal program or activity that is conducted by a DoD Component. Guidelines for determining actions that discriminate against handicapped persons are prescribed in § 56.8.

§ 56.5 Responsibilities.

(a) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (ASD(MRA&L)),* or designee, shall monitor compliance with this part. In discharging this responsibility, the ASD(MRA&L), or designee, shall:

(1) Coordinate efforts of DoD Components to enforce this part.

(2) Assist in the development of standards and procedures promulgated pursuant to § 56.9.

(3) Perform the responsibilities assigned to the ASD(MRA&L) in § 56.8, 9, and 10.

(4) Otherwise assist DoD Components in implementing this part.

(b) The *Heads of DoD Components* shall comply with this part. In discharging this responsibility, they shall:

(1) Designate a policy-level official to ensure compliance with this part receive and investigate complaints filed under this part and otherwise manage DoD Component responsibilities under this part.

(2) Notify the ASD(MRA&L), or designee, of the name, position, location, and telephone number of persons selected by them to be policy-level officials within 15 calendar days of such a selection.

(3) Issue guidelines pursuant to § 56.9.

(4) Cooperate fully with the ASD(MRA&L), or designee, in that official's performance of the responsibilities assigned herein, including furnishing to the ASD(MRA&L), or designee, in a timely fashion any requested reports and information.

(5) Assign sufficient personnel to implement and to ensure effective enforcement of this part.

§ 56.6 Information requirements.

(a) Each DoD Component shall maintain a log of all complaints that are filed with it or its recipients under this part. The log shall contain the complainant's name (last name, first, and middle initial) and address (street address, city, state, and zip code), the recipient's name (if this refers to a person, last name, first, and middle initial) and address (street address, city, state, and zip code), the nature of the complaint, and the current status of the complaint investigation or resolution. Each DoD Component shall submit a narrative summary report on complaints by memorandum to the ASD(MRA&L), or designee, before July 15 and January

15 of each year. This reporting requirement has been assigned Report Control Symbol DD–M(SA)1596.

(b) Each DoD Component shall submit a narrative report by memorandum to the ASD(MRA&L), or designee, whenever, pursuant to enclosure 4 of this Directive, the DoD Component notifies an applicant or recipient that noncompliance with this part is indicated. The report shall include the recipient's name (if this refers to a person, last name, first, and middle initial) and address (street address, city, state, and zip code), the date (YYMMDD) and nature of the finding, and the name of the applicable federally assisted program or activity. This reporting requirement has been assigned Report Control Symbol DD–M(AR)1597.

(c) The recordkeeping requirements contained in § 56.9(c)(2), have been approved by the Office of Management and Budget (OMB) under 44 U.S.C. Chapter 35 and have been assigned OMB No. 0704–0102.

§ 56.7 Programs and activities subject to this part.

(a) This part applies to all DoD Components and recipients of federal financial assistance disbursed by a DoD Component insofar as the programs and activities of the DoD Components and recipients affect handicapped persons in the United States. Existing programs and activities that are assisted or conducted by a DoD Component and that are subject to this part but do not appear in paragraph (b) or (c) of this section, are covered even though not listed. DoD Components must report new programs and activities that are subject to this part to the ASD (MRA&L), or designee, within 15 calendar days of their creation or funding.

(b) Federal financial assistance programs subject to this part include:

(1) Title 32, United States Code, Sections 101–716 (1976 and Supp. III 1979): the Army and Air National Guard.

(2) Title 40, United States Code, Sections 483, 484, and 512 (1976); Title 49, United States Code, Sections 1101 and 1107 (1976); and Title 10, United States Code, Sections 2541, 2544, 2571, 2576, 2662, 7308, 7541, 7542, 7545, 7546, and 7547 (1976 and Supp. IV 1980): Various programs involving the loan or other disposition of surplus, obsolete, or unclaimed property.

(3) Title 10, United States Code, Sections 4307–4311 (1976), and the annual Department of Defense Appropriations Act: National Program for the Promotion of Rifle Practice.

(4) Secretary of the Navy Instruction 5720.19E, "Navy Science Cruiser Program," February 24, 1977.

(5) Title 10, United States Code, Section 9441 (1976 and Supp. IV 1980): Civil Air Patrol.

(6) Title 41, United States Code, Sections 501–509 (Supp. III 1979): federal grants and cooperative agreements.

(7) Title 33, United States Code, Section 426 (1976 and Supp. III 1979): Army Corps of Engineers participation in cooperative investigations and studies concerning the erosion of shores of coastal and lake waters.

(8) Title 33, United States Code, Sections 426e–426h (1976): Army Corps of Engineers assistance in the construction of works for the restoration and protection of shores.

(9) Title 16, United States Code, Section 460d (1976): Construction and operation of public park and recreational facilities in water resource development projects under the administrative jurisdiction of the Department of the Army.

(10) Title 33, United States Code, Section 701c–3 (1976): Payment to states of lease receipts from lands acquired by the United States for flood control, navigation, and allied purposes.

(11) Title 33, United States Code, Sections 558c and 702d–1 (1976); Title 10, United States Code, Sections 2668 and 2669 (1976); Title 43, United States Code, Section 961 (1976); and Title 40, United States Code, Section 319 (1976): Grants of easements without consideration, or at a nominal or reduced consideration, on land under the control of the Department of the Army at water resource development projects.

(12) Title 33, United States Code, Sections 540 and 577 (1976): Army Corps of Engineers assistance in the construction of small boat harbor projects.

(13) Title 33, United States Code, Section 701s (1976): Emergency bank protection works constructed by the Army Corps of Engineers for protection of highways, bridge approaches, and public works.

(14) Title 33, United States Code, Section 633 (1976): Army Corps of Engineers contracts for the protection, alteration, reconstruction, relocation, or replacement of structures and facilities.

(15) Title 50, United States Code, Section 453 (1976): Defense Logistics Agency loans of industrial equipment to educational institutions (Tools for Schools).

(16) Title 33, United States Code, Section 610 (1976): Provision of specialized services or technical information by the Army Corps of Engineers to state and local governments for the control of aquatic plant growths in rivers, harbors, and allied waters.

(17) Title 42, United States Code, Section 1962d–16 (1976): Provision of specialized services by the Army Corps of Engineers to any state for the preparation of comprehensive plans for drainage basins located within the boundaries of said state.

(18) Title 33, United States Code, Section 603a (1976): Provision of specialized services by the Army Corps of Engineers to improve channels for navigation.

(19) Title 33, United States Code, Section 701g (1976): Provision of specialized services by the Army Corps of Engineers to reduce flood damage.

(20) Title 24, United States Code, Sections 44c and 47 (1976): United States Soldiers' and Airmen's Home.

(21) Title 10, United States Code, Chapter 55, as implemented by DoD 6010.8–R, "Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," January 10, 1977.

(e) All programs and activities conducted by the Department of Defense that affect handicapped persons in the United States are subject to this part. They include:

(1) Promulgation of rules and regulations for public comment in a manner that grants handicapped persons a reasonable opportunity for such comment (such as by making cassette recordings of proposed rules).

(2) Public meetings, conferences, or seminars sponsored or conducted by a DoD Component but held in nongovernmental buildings.

(3) Public meetings, conferences, or seminars sponsored or conducted by a DoD Component or by a non-DoD organization but held in a DoD building.

(4) Open houses, memorial services, tours, or other ceremonies held on or in DoD property.

(5) Military museums.

(6) Historic vessels.

(7) Historic buildings and properties maintained by a DoD Component and properties designated as historic under a statute of the appropriate state or local governmental body.

(8) Schools operated by the Department of Defense within the United States pursuant to Section 6 of Pub. L. 81–874, Title 20, United States Code, Section 241 (1976).

§ 56.8 Guidelines for determining discriminatory practices.

(a) *General prohibitions against discrimination.*

(1) No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination under any

program or activity that is conducted by the Department of Defense or that receives or benefits from federal financial assistance disbursed by the Department of Defense.

(2) A recipient or DoD Component may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Provide different or separate aid, benefits, or services to handicapped persons than is provided to others unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are equal to those provided to others;

(ii) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(iii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iv) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that afforded to others; or

(v) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity granted to others receiving the aid, benefit, or service.

(3) A recipient or DoD Component may not deny a qualified handicapped person the opportunity to participate in programs or activities that are not separate or different from regular programs or activities, even if such separate or different programs and activities are permissible under paragraph (a)(2)(i) of this section.

(4) A recipient or DoD Component may not provide assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program or activity.

(5) A recipient of DoD Component may not deny, on the basis of handicap, a qualified handicapped person the opportunity to participate as a member of planning or advisory boards.

(6) A recipient or DoD Component may not use, directly or through contractual or other arrangements, criteria or methods of administration that:

(i) Subject qualified handicapped persons to discrimination on the basis of handicap;

(ii) Defeat or substantially impair accomplishment of the objectives of the recipient's or DoD Component's program or activity with respect to handicapped persons; or

(iii) Perpetuate discrimination by another recipient if both recipients are subject to common administrative control or are agencies of the same state.

(7) In determining the site or location of a facility, a recipient or DoD Component may not make selections that:

(i) Exclude handicapped persons from, deny them the benefits of, or otherwise subject them to discrimination under any program or activity that receives or benefits from federal financial assistance; or

(ii) Defeat or substantially impair, with respect to handicapped persons, the accomplishment of the objectives of the program or activity.

(8) Recipients and DoD Components shall administer programs and activities in the most integrated setting appropriate to the needs of qualified handicapped persons.

(9) Recipients and DoD Components shall take appropriate steps to make communications with their applicants, employees, and beneficiaries available to persons with impaired vision and hearing.

(10) This section may not be interpreted to prohibit the exclusion of:

(i) Persons who are not handicapped from benefits, programs, and activities limited by federal statute or Executive Order to handicapped persons; or

(ii) One class of handicapped persons from a program or activity limited by federal statute or Executive Order to a different class of handicapped persons.

(11) Recipients and DoD Components shall take appropriate steps to ensure that no handicapped individual is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under any program or activity receiving or benefiting from federal financial assistance disbursed by the Department of Defense or under any program or activity conducted by the Department of Defense because of the absence of auxiliary aids, such as certified sign-language interpreters, telecommunication devises (TDDs), or other telephonic devices for individuals with impaired sensory, manual, or speaking skills.

(b) *Prohibitions against employment discrimination by recipients.* (1) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity that receives or benefits from federal financial assistance disbursed by the Department of Defense.

(2) The prohibition against discrimination in employment applies to the following:

(i) Recruitment, advertising, and processing of applications for employment.

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

(iii) Rates of pay or any other form of compensation and changes in compensation.

(iv) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists.

(v) Leaves of absence, sick leave, or any other leave.

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

(vii) Selection and financial support for training, including apprenticeship, professional meetings, conferences and other related activities, and selection for leaves of absence for training.

(viii) Programs and activities sponsored by the employer, including social and recreational programs.

(ix) Any other term, condition, or privilege of employment.

(3) A recipient may not participate in a contractual or other relationship that subjects qualified handicapped applicants or employees to discrimination prohibited by this section, including relationships with employment and referral agencies, labor unions, organizations providing or administering fringe benefits to employees of the recipient, and organizations providing training and apprenticeship programs.

(4) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program. Reasonable accommodation includes providing ramps, accessible restrooms, drinking fountains, interpreters for deaf employees, readers for blind employees, amplified telephones, TDDs such as Teletypewriters or Telephone Writers (TTYs), and tactile signs on elevators.

(5) A recipient may not use employment tests or criteria that discriminate against handicapped persons, and shall ensure that employment tests are adapted for use by persons who have handicaps that impair sensory, manual, or speaking skills.

(6) A recipient may not conduct a preemployment medical examination or make a preemployment inquiry about whether an applicant is a handicapped person or about the nature or severity of

a handicap. A recipient may make, however, a preemployment inquiry into an applicant's ability to perform job-related functions.

(7) When a recipient is taking remedial action to correct the effects of past discrimination or is taking voluntary action to overcome the effects of conditions that have resulted in limited participation by handicapped persons in its federally assisted program or activity, the recipient may invite applicants for employment to indicate whether and to what extent they are handicapped if:

(i) The recipient makes clear to the applicants that the information is intended for use solely in connection with its remedial action obligations or its voluntary affirmative action efforts.

(ii) The recipient makes clear to the applicants that the information is being requested on a voluntary basis, that it will be kept confidential as provided in paragraph (b)(9) in this section, that refusal to provide it will not subject the applicants to any adverse treatment, and that it will be used only in accordance with this part.

(8) Nothing in this section shall prohibit a recipient from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty if:

(i) All entering employees are subjected to such an examination, regardless of handicap.

(ii) The results of such an examination are used only in accordance with this part which prohibits discrimination against a qualified handicapped person on the basis of handicap.

(9) Information obtained under this section concerning the medical condition or history of applicants shall be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

(i) Supervisors and managers may be informed about restrictions on the work or duties of handicapped persons and about necessary accommodations.

(ii) First aid and safety personnel may be informed, when appropriate, if a handicapping condition might require emergency treatment.

(iii) Government officials investigating compliance with Section 504, Pub. L. 93-112, and this part shall be provided relevant information upon request.

(c) *Program accessibility*—(1) *General requirements.* No qualified handicapped person shall, because a recipient's or DoD Component's facilities are inaccessible to or not usable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance disbursed by the Department of Defense or under any program or activity conducted by the Department of Defense.

(2) *Existing facilities.* (i) A recipient or DoD Component shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This does not necessarily require a recipient or DoD Component to make each of its existing facilities or every part of an existing facility accessible to and usable by handicapped persons. For guidance in determining the accessibility of facilities, see Chapter 18 of DoD 4270.1-M, "Department of Defense Construction Criteria Manual," June 1, 1978, and Department of the Army, Office of the Chief of Engineers, Manual EM 1110-1-103, "Design for the Physically Handicapped," October 15, 1976. Inquiries on specific accessibility design problems may be addressed to the ASD (MRA&L), or designee.

(ii) When structural changes are necessary to make programs or activities in existing facilities accessible to the exent required by paragraph (c)(1) of this section.

(A) Such changes shall be made as soon as practicable, but not later than 3 years after the effective date of this part however, if the program or activity is a particular mode of transportation (such as a subway station) that can be made accessible only through extraordinarily expensive structural changes to, or replacement of, existing facilities and if other accessible modes of transportation are available, the DoD Component concerned may extend this period of time. This extension shall be for a reasonable and definite period, which shall be determined after consultation with the ASD(MRA&L), or designee.

(B) The recipient or DoD Component shall develop, with the assistance of interested persons or organizations and within a period to be established in each DoD Component's guidelines, a transition plan setting forth the steps necessary to complete such changes.

(C) The recipient or DoD Component shall make a copy of the transition plan available for public inspection. At a minimum, the plan shall:

(*1*) Identify physical obstacles in the recipient's or DoD Component's facilities that limit the accessibility of its program or activity to handicapped persons.

(*2*) Describe in detail the methods that will be used to make the facilities accessible.

(*3*) Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period of the transition plan is longer than 1 year, identify steps that will be taken during each year of the transition period.

(*4*) Indicate the person (last name, first, and middle initial) responsible for implementation of the transition plan.

(iii) A recipient or DoD Component may comply with paragraphs (c)(2)(i) and (c)(2)(ii) of this section, through such means as the acquisition or redesign of equipment, such as telecommunication or other telephonic devices; relocation of classes or other services to accessible buildings; assignment of aides to beneficiaries, such as readers or certified sign-language interpreters; home visits; delivery of health, welfare, or other services at accessible alternate sites; alteration of existing facilities and construction of new facilities in conformance with paragraph (c)(3) in this section; or any other method that results in making the program or activity of the recipient or DoD Component accessible to handicapped persons.

(iv) A recipient or DoD Component is not required to make structural changes in existing facilities when other methods are effective in achieving compliance with this section.

(v) In choosing among available methods for meeting the requirements of this section, a recipient or DoD Component shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate with nonhandicapped persons.

(3) *New Construction.* New facilities shall be designed and constructed to be readily accessible to and usable by handicapped persons. Alterations to existing facilities shall be designed and constructed, to the maximum extent feasible, to be readily accessible to and usable by handicapped persons. For guidance in determining the accessibility of facilities, see Chapter 18 of DoD 4270.1-M and Department of the Army, Office of the Chief of Engineers, Manual EM 1110-1-103. Inquiries about specific accessibility design problems may be addressed to the ASD(MRA&L), or designee.

(4) *Historic properties.* (i) In the case of historic properties, program accessibility shall mean that, when viewed in their entirety, programs are readily accessible to and usable by handicapped persons. Because the primary benefit of historic properties is the experience of the property itself, DoD Components and recipients shall give priority to those methods of

achieving program accessibility that make the historic property, or portions thereof, physically accessible to handicapped persons.

(ii) Methods of achieving program accessibility include:

(A) Making physical alterations that give handicapped persons access to otherwise inaccessible areas or features of historic properties.

(B) Using audiovisual materials and devices to depict otherwise inaccessible areas or features of historic properties.

(C) Assigning individuals to guide handicapped persons into or through otherwise inaccessible portions of historic properties.

(D) Adopting other innovative methods.

(iii) When program accessibility cannot be achieved without causing a substantial impairment of significant historic features, the DoD Component or recipient may seek a modification or waiver of access standards from the ASD (MRA&L), or designee.

(A) A decision to grant a modification or waiver shall be based on consideration of the following:

(*1*) Scale of the property, reflecting its ability to absorb alterations.

(*2*) Use of the property, whether primarily for public or private purposes.

(*3*) Importance of the historic features of the property to the conduct of the program.

(*4*) Costs of alterations in comparison to the increase in accessibility.

(B) The ASD(MRA&L), or designee, shall review periodically any waiver granted under this paragraph and may withdraw it if technological advances or other changes warrant.

(iv) The decision by the ASD(MRA&L), or designee, to grant a modification or waiver of access standards is subject to Section 106 of the National Historic Preservation Act, as amended, and shall be made in accordance with the Advisory Council on Historic Preservation regulation on "Protection of Historic and Cultural Properties" (36 CFR Part 800). When the property is federally owned or when federal funds may be used for alterations, the ASD(MRA&L), or designee, shall obtain the comments of the Advisory Council on Historic Preservation when required by Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation regulation on "Protection of Historic and Cultural Properties" (36 CFR Part 800) prior to effectuation of structural alterations.

(v) DoD Component guidelines prepared in accordance with § 56.10 shall include a listing of all historic properties, including historic ships, subject to this part and a plan for compliance with paragraph (c)(4) of this section.

(5) *Military museums.* (i) In the case of military museums, program accessibility shall mean that exhibits, displays, tours, lectures, circulating or traveling exhibits, and other programs of military museums are accessible to and usable by handicapped persons. Methods of meeting this requirement include the following:

(A) Museum programs may be made accessible to deaf and hearing-impaired persons by means such as training museum staff, such as docents, in sign language; providing qualified sign-language interpreters to accompany deaf or hearing-impaired visitors; ensuring that clear, concise language is used on all museum signs and display labels; providing amplification devices; or providing printed scripts for films, videotapes, lectures, or tours. DoD Components are encouraged to use "Museums and Handicapped Students: Guidelines for Educators," published by the National Air and Space Museum, Smithsonian Institution, Washington, D.C. 20560.

(B) Museum programs may be made accessible to blind and visually-impaired persons by means such as providing museum catalogues in a large-print edition printed over braille; providing cassette tapes, records, or discs for museum tours or exhibits; providing readers to accompany blind or visually impaired visitors; using large-print and braille display cards at exhibits; providing raised-line maps of the museum building; using raised-line drawings, reproductions, or models of large exhibits to facilitate tactile experiences when touching exhibits is prohibited; placing large-print and braille signs to identify galleries, elevators, restrooms, and other service areas; and permitting guide dogs in all museum facilities.

(C) Museum programs may be made accessible to other physically impaired persons by means such as lowering display cases; spacing exhibits to facilitate movement; using ramps in galleries; increasing lighting in exhibit areas to facilitate viewing from a distance; providing places to sit in exhibit areas; making restrooms accessible; using large-print exhibit display cards to facilitate reading from a distance; and sensitizing museum staff to consider the needs of handicapped visitors when organizing exhibits.

(ii) DoD Component guidelines developed in accordance with paragraph (c)(5) of this section shall identify military museums subject to § 56.8(c) and shall contain a plan for making museum programs accessible to handicapped persons. Technical assistance in the preparation and content of these plans may be obtained from the National Access Center, 1419 27th Street, NW., Washington, D.C. 20007 ((202) 333-1712 or TTY (202) 333-1339). In addition, community organizations that serve handicapped persons and handicapped persons themselves shall be consulted in the preparation of these plans.

(d) *Reasonable accommodation.* (1) A recipient or DoD Component shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient or DoD Component demonstrates to the ASD(MRA&L), or designee, that the accommodation would impose an undue hardship on the operation of its program.

(2) Reasonable accommodation includes the following:

(i) Making facilities used by employees readily accessible to and usable by handicapped persons.

(ii) Job restructuring; part-time or modified work schedules; acquisition or modification of equipment or devices, such as telecommunication or other telephonic instruments; the provision of readers or certified sign-language interpreters; and similar actions.

(3) In determining whether an accommodation would impose an undue hardship on the operation of a recipient's or DoD Component's program, the ASD(MRA&L), or designee, shall consider the following factors, at a minimum:

(i) The overall size of the recipient's or DoD Component's program or activity, such as the number of employees, number and type of facilities, and size of budget.

(ii) The size of the recipient's or DoD Component's operations, including the composition and structure of the recipient's or DoD Component's workforce.

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

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

§ 56.9 Ensuring compliance with this part in Federal financial assistance programs and activities.

(a) *Supplementary guidelines issued by DoD Components.* (1) Whenever

necessary, DoD Components shall publish supplementary guidelines for each type of program or activity to which they disburse federal financial assistance within 120 days of the effective date of this part or of the effective date of any subsequent statute authorizing federal financial assistance to a new type of program or activity. DoD Components shall obtain approval of these supplementary guidelines from the ASD(MRA&L), or designee, before issuing them. Prior to their issuance, the ASD(MRA&L), or designee, shall submit supplementary guidelines prepared pursuant to paragraph (a)(1) of this section to the Coordination and Review Section, Civil Rights Division, Department of Justice, for review and approval. To the extent that supplementary guidelines issued by DoD Components deal with the employment of civilians in programs and activities subject to this part the ASD(MRA&L), or designee, shall also obtain the approval of the Equal Employment Opportunity Commission (EEOC) in accordance with Executive Order 12067.

(2) The ASD(MRA&L), or designee, and DoD Components shall ensure that their supplementary guidelines conform to the requirements of this part and that they provide:

(i) A description of the types of programs and activities covered.

(ii) Examples of prohibited practices likely to arise with respect to those types of programs and activities.

(iii) A list of the data collection and reporting requirements of the recipients.

(iv) Procedures for processing and investigating complaints.

(v) Procedures for hearings to determine compliance by recipients with this part.

(vi) Requirements or suggestions for affirmative action on behalf of qualified handicapped persons.

(vii) Requirements for the dissemination of program and complaint information to the public.

(viii) A description of the form of the assurances that must be executed pursuant to paragraph (b) of this section, and sample assurances.

(ix) Requirements concerning the frequency and nature of postapproval reviews conducted pursuant to paragraph (h) of this section.

(x) A period of time, provided for by § 56.8(c)(2)(ii)(B), for the development of a transition plan that sets out the steps necessary to complete structural changes that might be required by § 56.8(c).

(xi) The maximum period of time that may be allowed for extensions that might be granted pursuant to § 56.8(c)(2)(ii).

(xii) An appendix that contains a list of identified programs and activities of the type covered by the supplementary guidelines, including the names of the programs and activities and the authorizing statute, regulation, or directive for each program and activity.

(xiii) Requirements for the recipient to designate a responsible official to coordinate the implementation of supplementary guidelines.

(xiv) Requirements for any other actions or procedures necessary to implement this part.

(3) When the head of a DoD Component determines that it would not be appropriate to include on or more of the provisions described in paragraph (a)(2) of this section, in the supplementary guidelines of that DoD Component or that it is not necessary to issue such guidelines at all, the reasons for such determination shall be stated in writing and submitted to the ASD(MRA&L), or designee, for review and approval. Once that determination is approved, the DoD Component shall make it available to the public upon request.

(4) The heads of DoD Components, or designees, shall be responsible for keeping the supplementary guidelines current and accurate. When a DoD Component determines that a program or activity should be added to or deleted from the guidelines, the DoD Component shall notify the ASD(MRA&L), or designee, in writing.

(b) *Required assurances.* (1) DoD Components shall require all recipients to file written assurances that their programs or activities will be conducted in accordance with this part and supplementary guidelines promulgated by DoD Components. If a recipient fails to provide an assurance that conforms to the requirements of this section, the DoD Component shall attempt to effect compliance pursuant to paragraphs (f) through (h) of this section, provided that if assistance is due and payable to the recipient based on an application approved prior to the effective date of this part the DoD Component shall continue the assistance while any proceedings required by paragraphs (n) through (v) of this section, are pending.

(2) DoD Components shall advise each recipient of the required elements of the assurance and, with respect to each program or activity, of the extent to which those receiving assistance from recipients shall be required to execute similar assurances.

(3) DoD Component shall ensure that each assurance:

(i) Obligates the recipient to advise the DoD Component of any complaints received that allege discrimination against handicapped persons.

(ii) Obligates the recipient to collect and provide the items of information that the DoD Component lists in its supplementary guidelines pursuant to paragraph (a)(2)(iii) of this section.

(iii) Is made applicable to any federal financial assistance that might be disbursed by a DoD Component without the submission of a new application.

(iv) Obligates the recipient, when the financial assistance is in the form of proprerty, for the period during which the property is used under a financial assistance agreement or is possessed by the recipient.

(v) Includes a provision recognizing that the U.S. Government has the right to seek judicial enforcement of Section 504 and this part.

(c) *Self-evaluation and consultation with interested persons and organizations.* (1) DoD Components shall require recipients to conduct, within 6 months of the effective date of this part or of first receiving federal financial assistance disbursed by the Department of Defense, a self-evaluation with the assistance of interested persons, including handicapped persons or organizations that represent them. When appropriate, DoD Components also shall require recipients to consult at least annually with such persons. The "Department of Health, Education, and Welfare Section 504 Technical Assistance Reserve Directory," April 1980, shall be consulted to identify likely sources for consultation. In conducting its self-evaluation, each recipient shall:

(i) Evaluate the effects of its policies and practices with respect to its compliance with this part and the applicable DoD Component's supplementary guidelines.

(ii) Modify any policies that do not meet such requirements.

(iii) Take appropriate remedial steps to eliminate the discriminatory effects of any such policies or practices.

(2) For at least 3 years following the completion of a self-evaluation required under paragraph (c)(1) of this section, a recipient shall maintain on file, make available for public inspection, and provide to the ASD(MRA&L), or designee, upon request:

(i) A list of the interested persons (last names, first names, and middle initials) consulted.

(ii) A description of areas examined and problems identified, if any, with respect to those areas.

(iii) A description of any modification made and remedial steps taken.

(d) *Dissemination of information.* (1) Within 90 days of the effective date of this part or of first receiving assistance from the Department of Defense and on a continuing basis thereafter, each recipient shall notify beneficiaries and employees of their rights under this part and shall take appropriate steps to notify participants, beneficiaries, applicants for employment and employees, including those with impaired vision or hearing, and unions or professional organizations involved in collective bargaining or professional agreements with the recipient that the recipient does not discriminate on the basis of handicap in violation of this part. The notification shall state, when appropriate, that the recipient does not discriminate in admitting or providing access to or treating or employing persons in its programs and activities. Such notification may be accomplished by posting notices, publishing announcements in newspapers and magazines, placing notices in its publications, or distributing memoranda or other written communications.

(2) If a recipient publishes or uses and makes available to participants, beneficiaries, applicants for employment, or employees recruitment materials or publications containing general information about the recipient's programs and activities, it shall include in those materials or publications a statement of the policy described in paragraph (d)(1) of this section. This may be accomplished by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

(3) Understandable materials developed in accordance with this section shall be provided to ensure that all beneficiaries and employees of the recipient understand the information. In addition, recipients shall disseminate appropriate and comprehensive information about formal and informal complaint and appeal procedures, including directions on how and where to file complaints and to appeal DoD Component decisions.

(e) *Intimidation and interference.* Recipients and DoD Components shall take reasonable steps to ensure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of retaliating against, interfering with, or discouraging the filing of a complaint, furnishing of information, or assisting or participating in an investigation, compliance review, hearing, or other activity related to the administration of this part.

(f) *Staff responsibilities.* All DoD Component determinations of recipient compliance with this part shall be subject to reviews by the ASD(MRA&L), or designee. When responsibility for approving applications for federal financial assistance disbursed by a DoD Component is assigned to regional or area offices of the DoD Component, personnel in such offices shall be designated to perform the functions described in paragraphs (h) and (o) through (w) of this section.

(g) *Access to records and facilities.* Each recipient shall permit access to its premises by DoD officials during normal business hours when such access is necessary for conducting onsite compliance reviews or complaint investigations, and shall allow such officials to photograph facilities and to inspect and copy any books, records, accounts, and other material relevant to determining the recipient's compliance with this part. Information so obtained shall be used only in connection with the administration of this part. If the recipient does not have the information requested, it shall submit to the DoD Component a written report that contains a certification that the information is not available and describes the good-faith efforts made to obtain the information.

(h) *Compliance review.* DoD Components shall determine the compliance of each recipient with this part as follows:

(1) *General.* Whenever possible, DoD Components shall perform compliance reviews in conjunction with their review and audit efforts implementing Title VI of the Civil Rights Act of 1964.

(2) *Desk audit application review.* Before approving an application for federal financial assistance, the DoD Component concerned shall make a written determination as to whether the recipient is in compliance with this part, based on a review of the assurance of compliance executed by a recipient pursuant to paragraph (b) of this section, and other data submitted by the recipient. When a determination cannot be made from the assurance and other data submitted by the recipient, the DoD Component concerned shall require the recipient to submit additional information and shall take other steps as necessary to determine the recipient's compliance with this part. If this additional information demonstrates that the recipient is in compliance with this Part, the DoD Component shall notify the recipient promptly that it is in compliance.

(3) *Preapproval Onsite Review.* (i) When a desk audit application review conducted pursuant to paragraph (h)(2) of this section indicates that the recipient might not be in compliance with this part, the DoD Component concerned may conduct a preapproval onsite review at the recipient's facilities before approving the disbursement of federal financial assistance to the recipient. The DoD Component shall conduct such a review:

(A) When appropriate, if a desk audit application review reveals that the recipient's compliance posture is questionable because of a history of discrimination complaints, current discrimination complaints, a noncompliance determination by another government agency or DoD Component, or other indications of possible noncompliance; or

(B) If federal financial assistance is requested for construction, except under extraordinary circumstances, to determine whether the location and design of the project would provide service on a nondiscriminatory basis, in conformity with § 56.8(c).

(ii) Preapporoval onsite reviews shall be conducted under DoD Component supplementary guidelines and in accordance with the provisions of paragraph (h)(4) of this section, concerning postapproval reviews.

(4) *Postapproval reviews.* DoD Components shall:

(i) Establish and maintain effective programs of postapproval reviews.

(ii) Conduct such reviews of each recipient, the frequency and the nature of which shall be prescribed in the DoD Component supplemetary guidelines implementing this Part.

(iii) Require recipients periodically to submit compliance reports to them.

(iv) Record the results of the reviews, including findings of fact and recommendations.

(5) A DoD Component shall complete a review within 180 calendar days of initiating it unless an extension of time is granted by the ASD(MRA&L), or designee, for good cause shown, and shall either:

(i) Find the recipient to be in compliance and notify the recipient of that finding; or

(ii) Notify the recipient and the ASD(MRA&L), or designee, of a finding of probable noncompliance, pursuant to paragraph (o) of this section.

(i) *Filing of complaints against recipients.* (1) DoD Components shall establish and publish in their supplementary guidelines procedures for the prompt processing and disposition of complaints against recipients, consistent with this section.

(2) A DoD Component shall consider all complaints that:

(i) Are filed with it within 180 days of the alleged discrimination or within a

longer period of time if an extension is granted for good cause by the DoD Component with the approval of the ASD(MRA&L), or designee.

(ii) Include the name, address, and telephone number, if any, of the complainant; the name and address of the recipient committing the alleged discrimination; a description of the acts or omissions considered to be discriminatory; and other pertinent information.

(iii) Are signed by the complainant or the complainant's authorized representative (legal counsel or a person with power of attorney granted by the complainant).

(3) DoD Components shall transmit a copy of each complaint filed with them to the ASD(MRA&L), or designee, within 10 calendar days after its receipt.

(4) If the information in a complaint is incomplete, the DoD Component shall request the complainant to provide the additional information required. If the DoD Component does not receive this requested information within 30 calendar days of the date of the request, the case may be closed and the complainant so notified in writing.

(5) If a complaint concerning a program or activity is filed with a DoD Component that does not have jurisdiction over it, the DoD Component shall refer the complaint to the ASD(MRA&L), or designee, and advise the complainant in writing of such referral. The ASD(MRA&L), or designee, then shall refer the complaint to the appropriate DoD Component and so notify the complainant in writing.

(j) *Investigation by DoD components.* (1) DoD Components shall investigate complaints that involve recipients and that meet the standards described in paragraph (i) of this section, unless good cause for not investigating is stated in a written notification of the disposition of the complaint provided to the complainant.

(2) If an investigation of a complaint is conducted, the DoD Component concerned shall maintain a case record that contains:

(i) The name (last name, first, and middle initial), address (street address, city, state, and zip code), and telephone number of each person interviewed.

(ii) Copies, transcripts, or summaries of pertinent documents.

(iii) A reference to at least one program or activity conducted by the recipient and receiving federal financial assistance disbursed by a DoD Component, and a description of the amount and nature of the assistance.

(iv) A narrative report of the results of the investigation that contains references to relevant exhibits and other evidence that relates to the alleged violations.

(k) *Investigations by recipients.* (1) A DoD Component may require or permit recipients to investigate complaints alleging violation of this part. In such cases, the DoD Component shall:

(i) Ensure that the recipient investigates the complaints in accordance with the standards, procedures, and requirements prescribed in paragraph (j) of this section.

(ii) Require the recipient to submit a written report of each complaint and investigation to the DoD Component.

(iii) Retain a review responsibility over the investigation and disposition of each complaint.

(iv) Ensure that each complaint investigation is completed within 180 calendar days of the receipt of the complaint by the proper DoD Component, unless an extension of time is granted for good cause by the ASD(MRA&L), or designee.

(v) Require the recipient to maintain a log of all complaints filed against it, as described in § 56.6(a)(1).

(2) DoD Components that require or permit complaint investigations to be conducted by recipients shall review recipient complaint investigations pursuant to paragraphs (k) and (l) of this section.

(l) *Results of investigations.* (1) Within 180 days of the receipt of a complaint, the DoD Component, recipient, or the ASD(MRA&L), or designee, shall give written notification:

(i) Of the disposition of the complaint to the complainant and, as the case may be, to the recipient or DoD Component.

(ii) To the complainant that within 30 calendar days of receipt of the written notification, the complainant may request that the ASD(MRA&L), or designee, review the findings in the notification pursuant to paragraph (m) of this section.

(2) If the complaint investigation results in a determination by the DoD Component that a recipient is not complying with this part the DoD Component shall proceed as prescribed in paragraph (n) through (v) of this section. If the DoD Component determines that the recipient is in compliance, the DoD Component shall submit the complete case file to the ASD(MRA&L), or designee, within 15 calendar days after the notification of the disposition of the investigation to the complainant.

(m) *Reviewing completed investigations.* (1) The ASD(MRA&L), or designee, may review all completed investigations.

(2) The ASD(MRA&L), or designee, shall review the results of any investigation of a complaint if the complainant requests such a review pursuant to paragraph (l)(1)(ii) of this section.

(3) After reviewing the results of an investigation, the ASD(MRA&L), or designee, may:

(i) Find that no further investigation is necessary and approve the results of the investigation;

(ii) Request further investigation by the DoD Component; or

(iii) Require the DoD Component to take appropriate corrective action.

(n) *Effecting compliance.* (1) When a compliance review or complaint investigation indicates that a recipient has violated this part, the applicable DoD Component's supplementary guidelines, or the assurances executed pursuant to paragraph (b) of this section, the responsible DoD Component or the ASD(MRA&L), or designee, shall attempt to effect compliance in accordance with paragraphs (o) and (p) of this section. The inability of a DoD Component to comply with any time frame prescribed by this part does not relieve a recipient of the responsibility for compliance with this part.

(2) The DoD Component may require, when necessary to overcome the effects of discrimination in violation of this part, a recipient to take remedial action:

(i) With respect to handicapped persons who are no longer participants in the recipient's program or activity but who were participants in the program or activity when such discrimination occurred.

(ii) With respect to handicapped persons who would have been participants in the recipient's program or activity had the discrimination not occurred.

(iii) With respect to handicapped persons presently in the recipient's program or activity, but not receiving full benefits or equal and integrated treatment within the program or activity.

(o) *Written notice.* After evaluating the investigative report, the DoD Component shall issue to the recipient and, pursuant to paragraph (n)(2) of this section to the ASD(MRA&L), or designee, a written notice that:

(1) Describes the apparent violation and the corrective actions necessary to achieve compliance.

(2) Extends an offer to meet informally with the recipient.

(3) Informs the recipient that failure to respond to the notice within 15 calendar days of its receipt shall result in the initiation of enforcement procedures

described in paragraphs (r) through (v), of this section.

(p) *Attempting to achieve voluntary compliance by recipients.* (1) If a DoD Component issues a notice pursuant to paragraph (o) of this section, the DoD Component shall attempt to meet with the recipient and shall attempt to persuade it to take the steps necessary to achieve compliance with this part.

(2) If a recipient agrees to take remedial steps to achieve compliance, the DoD Component shall require that the agreement be in writing and:

(i) Be signed by the head of the DoD Component concerned, or designee, and by the principal official of the recipient.

(ii) Specify the action necessary to achieve compliance.

(iii) Be made available to the public upon request.

(iv) Be subject to the approval of the ASD(MRA&L), or designee.

(3) If satisfactory adjustment or a written agreement has not been achieved within 60 calendar days of the recipient's receipt of the notice issued pursuant to paragraph (o) of this section, the DoD Component shall notify the ASD(MRA&L), or designee, and state the reasons therefor.

(4) The DoD Component shall initiate the enforcement actions prescribed in paragraphs (r) through (v) of this section if:

(i) The recipient does not respond to a notice pursuant to paragraph (o) of this section, within 15 calendar days of its receipt and satisfactory adjustments are not made within 45 calendar days of the date of the recipient's response; or

(ii) The DoD Component or the ASD (MRA&L) determines at any time within 90 days after the recipient receives a notice pursuant to paragraph (o) of this section, that, despite reasonable efforts, it is not likely that the recipient will comply promptly and voluntarily.

(5) If, pursuant to paragraph (p)(4) of this section, the DoD Component initiates enforcement action, it also shall continue its attempts to persuade the recipient to comply voluntarily.

(q) *Imposing sanctions*—(1) *Sanctions available.* If a DoD Component has taken action pursuant to paragraphs (o) and (p) of this section, the DoD Component may, by order, subject to paragraph (q)(2) and (q)(3) of this section:

(i) Terminate, suspend, or refuse to grant or continue assistance to such recipient.

(ii) Refer the case to the Department of Justice for the initation of enforcement proceedings at a federal, state, or local level.

(iii) Pursue any remedies under state or local law.

(iv) Impose other sanctions upon consultation with the ASD (MRASL), or designee.

(2) *Terminating, suspending, or refusing to grant or continue assistance.* A DoD Component may not terminate or refuse to grant or continue federal financial assistance unless:

(i) Such action has been approved by the Secretary of Defense.

(ii) The DoD Component has given the recipient an opportunity for a hearing pursuant to the procedures set out in paragraph (r) of this section, and a finding of noncompliance has resulted.

(iii) Thirty calendar days have elapsed since the Secretary of Defense has filed a written report describing the violation and action to be taken with the committees of the House of Representatives and Senate that have jurisdiction over the program or activity in which the violation of this Part exists.

(iv) Such action is limited to affect only the particular activity or program, or portion thereof, of the recipient where the violation exists.

(3) *Other sanctions.* A DoD Component may not impose the sanctions set out in paragraphs (q)(1)(iii) and (iv) of this section, unless:

(i) The DoD Component has given the recipient an opportunity for a hearing pursuant to paragraph (r) of this section, and a finding of noncompliance has resulted.

(ii) The action has been approved by the Secretary of Defense.

(iii) Ten calendar days have elapsed since the mailing of a notice informing the recipient of its continuing failure to comply with this part the action necessary to achieve compliance, and the sanction to be imposed.

(iv) During those 10 calendar days the DoD Component has made additional efforts to persuade the recipient to comply.

(r) *Hearings for recipients*—

(1) *General.* When, pursuant to paragraph (q)(2)(ii) of this section, an opportunity for a hearing is given to a recipient, the DoD Component involved shall follow the procedures prescribed in paragraphs (r)(2) through (r)(6) of this section.

(2) *Notice.* The DoD Component concerned shall notify the recipient of the opportunity for a hearing by registered or certified mail, return receipt requested, when the recipient denies a tentative finding of noncompliance with this Part.

(i) The DoD Component shall ensure that the notice:

(A) Describes the proposed sanctions to be imposed.

(B) Cites the section of this part under which the proposed action is to be taken.

(C) States the name and office of the DoD Component official who is responsible for conducting the hearing (hereafter referred to as the "responsible DoD official").

(D) Outlines the issues to be decided at the hearing.

(E) Advises the recipient either of a date, not less than 20 calendar days after the date that the notice is received, by which the recipient may request that the matter be scheduled for a hearing, or of a reasonable time and place of a hearing that is subject to change for good cause shown.

(ii) When a time and place for a hearing are set, the DoD Component shall give the recipient and the complainant, if any, reasonable notice of such time and place.

(3) *Waiver of a hearing.* A recipient may waive a hearing and submit to the responsible DoD official, in writing, information or arguments on or before the date stated pursuant to paragraph (r)(2)(i)(E) of this section.

(i) A recipient waives its right to a hearing if it fails to request a hearing on or before a date stated pursuant to paragraph (r)(2)(i)(E) of this section, or fails to appear at a hearing that has been scheduled pursuant to that paragraph.

(ii) If a recipient waives its right to a hearing under this section, the responsible DoD official shall decide the issues and render a final decision that is based on the information available and that conforms to the requirements of paragraph (s)(4) of this section.

(4) *Hearing examiner.* Hearings shall be conducted by the responsible DoD official or by a hearing examiner designated by the official, provided that the hearing examiner shall be a field grade officer or civilian employee above the grade of GS–12 (or the equivalent) who is admitted to practice law before a federal court or the highest court of a state, territory, commonwealth, or the District of Columbia.

(5) *Right to counsel.* In all proceedings under this section, the recipient and the DoD Component may be represented by counsel. The representation of the recipient will not be at U.S. Government expense.

(6) *Procedures.* Hearings authorized under this section shall be subject to the following:

(i) Hearings shall be open to the public.

(ii) Formal rules of evidence will not apply. The DoD Component concerned and the recipient shall be entitled to

introduce all relevant evidence on the issues stated in the notice of hearing issued pursuant to paragraph (r)(2) of this section, and those designated by the responsible DoD official or the hearing examiner at the outset of or during the hearing. The responsible DoD official or hearing examiner, however, may exclude irrelevant, immaterial, or repetitious evidence.

(iii) All witnesses may be examined or cross-examined, as the case may be, by each party.

(iv) All parties shall have the opportunity to examine all evidence offered or admitted for the record.

(v) A transcript of the proceedings shall be maintained in either electronic or typewritten form and made available to all parties.

(s) *Decisions*—(1) *Initial or proposed decisions by a hearing examiner.* If a hearing is conducted by a hearing examiner who is designated by the responsible DoD official pursuant to paragraph (r)(4) of this section, the hearing examiner shall either:

(i) Make an initial decision, if so authorized, that conforms to the requirements of paragraph (s)(4) of this section; or

(ii) Certify the entire record and submit to the responsible DoD official recommended findings and a proposed decision.

(2) *Review of initial decisions.* Initial decisions made by a hearing examiner pursuant to paragraph (s)(1)(i) of this section, shall be reviewed as follows:

(i) A recipient may file exceptions to an initial decision within 30 calendar days of receiving notice of such initial decision. Reasons shall be stated for each exception.

(ii) If the recipient does not file exceptions pursuant to paragraph (s)(2)(i) of this section, the responsible DoD official may notify the recipient within 45 calendar days of the initial decision that the responsible DoD official will review the decisions.

(iii) If exceptions are filed pursuant to paragraph (s)(2)(i) of this section, or a notice of review is issued pursuant to paragraph (s)(2)(ii) of this section, the responsible DoD official shall review the initial decision and, after giving the recipient reasonable opportunity to file a brief or other written statement of its contentions, issue a final decision that addresses each finding and conclusion in the initial decision and each exception, if any.

(iv) If the exceptions described in paragraph (s)(2)(i) of this section are not filed and the responsible DoD official does not issue the notice of review described in paragraph (s)(2)(ii) of this section, the initial decision of the hearing examiner shall constitute the final decision of the responsible DoD official.

(3) *Decisions by the responsible DoD official who conducts a hearing or receives a certified record.* If a hearing examiner who is designated by the responsible DoD official certifies the entire record and submits recommended findings and a proposed decision to the responsible DoD official pursuant to paragraph (s)(1)(ii) of this section, or if the responsible DoD official conducts the hearing, after giving the recipient a reasonable opportunity to file a brief or other written statement of its contentions, the responsible DoD official shall render a final decision that conforms to paragraph (s)(4) of this section.

(4) *Contents of decisions.* Each decision of a hearing examiner or responsible DoD official shall state all findings and conclusions and identify each violation of this part. The final decision may contain an order pursuant to paragraph (q) of this section, providing for the suspension or termination of or refusal to grant or continue all or some of the federal financial assistance under the program or activity involved and contain terms, conditions, and other provisions that are consistent with and intended to achieve compliance with this Directive.

(5) *Notice of decisions and certifications.* The responsible DoD official shall provide a copy of any certified record of a hearing and any initial or final decision to the recipient and the complainant, if any.

(6) *Review by the Secretary of Defense.* The responsible DoD official shall transmit promptly any final decision that orders a suspension, termination, or denial of federal financial assistance through the ASD(MRA&L) to the Secretary of Defense. The Secretary may:

(i) Approve the decision;

(ii) Vacate the decision; or

(iii) Remit or mitigate any sanction imposed.

(t) *Restoring eligibility for financial assistance.* (1) A recipient that is affected adversely by a final decision issued under paragraph (s) of this section, may at any time request the responsible DoD official to restore fully its eligibility to receive federal financial assistance.

(2) If the responsible DoD official determines that the information supplied by the recipient demonstrates that it has satisfied the terms and conditions of the order entered pursuant to paragraph (s) of this section, and that is complying with and has provided reasonable assurance that it will continue to comply with this part the responsible DoD official shall restore such eligibility immediately.

(3) If the responsible DoD official denies a request for restoration of eligibility, the recipient may submit a written request for a hearing that states why it believes the responsible DoD official erred in denying the request. Following such a written request, the recipient shall be given an expeditious hearing under rules of procedure issued by the responsible DoD official to determine whether the requirements described in paragraph (t)(2) of this section, have been met. While any such proceedings are pending, the sanctions imposed by the order issued under paragraph (s) of this section, shall remain in effect.

(u) *Interagency cooperation and delegation.* (1) When several recipients are receiving assistance for the same or similar purposes from a DoD Component and another federal agency, the DoD Component shall notify the ASD (MRA&L), or designee. Such notification shall be in writing and shall contain:

(i) A description of the programs and activities involved.

(ii) A statement of the amount of money expended on the programs and activities in the previous and current fiscal year by the DoD Component and the agency.

(iii) A list of the known primary recipients.

(2) The ASD(MRA&L), or designee, shall attempt to negotiate with the federal agency a written delegation agreement that designates the agency or the DoD Component as the primary agency for purposes of ensuring compliance with Section 504 of Pub. L. 93–112, as amended, and this part depending upon which of them administers a larger financial assistance program with the common recipients and other relevant factors. If necessary, the agreement shall establish procedures to ensure the enforcement of Section 504 of Pub. L. 93–112, as amended, and this part. The ASD(MRA&L), or designee, shall provide written notification to recipients of an agreement reached under this subsection.

(3) When several recipients are receiving assistance for the same or similar purposes from two or more DoD Components, the DoD Components may negotiate a proposed written delegation agreement that:

(i) Assigns responsibility for ensuring that the recipient complies with this part to one of the DoD Components.

(ii) Provides for the notification to recipients and the responsible program

officials of the DoD Components involved of the assignment of enforcement responsibility.

(4) No delegation agreement reached in accordance with paragraph (u)(3) to this section shall be effective until it is approved by the ASD(MRA&L), or designee.

(5) When possible, existing delegation agreements relating to Title VI of the Civil Rights Act of 1964 shall be amended to provide for the enforcement of this Part.

(6) Any DoD Component conducting a compliance review or investigating a complaint of an alleged violation by a recipient shall notify any other affected agency or DoD Component through the ASD(MRA&L), or designee, upon discovery that the agency or DoD Component has jurisdiction over the program or activity in question and shall subsequently inform it of the finding made. Such reviews or investigations may be conducted on a joint basis.

(7) When a compliance review or complaint investigation under this part reveals a possible violation of Executive Order 11246, Titles VI or VII of the Civil Rights Act of 1964, or any other federal law, the DoD Component shall notify the appropriate agency, through the ASD(MRA&L), or designee.

(v) *Coordination with Sections 502 and 503.* (1) DoD Components shall use DoD 4270.1–M and Department of the Army, Office of the Chief of Engineers, Manual EM 1110–1–103, in developing requirements for the accessibility of facilities. If DoD Components encounter issues with respect to Section 502 of the Rehabilitation Act of 1973, as amended, that are not covered by these publications, the ASD(MRA&L), or designee, may be consulted. If necessary, the ASD(MRA&L), or designee, shall consult with the Architectural and Transportation Barriers Compliance Board in resolving such problems.

(2) DoD Components may advise recipients to consult directly with the Architectural and Transportation Barriers Compliance Board in developing accessibility criteria.

(3) DoD Components shall coordinate enforcement actions relating to the accessibility of facilities with the Architectural and Transportation Barriers Compliance Board and shall notify the ASD(MRA&L), or designee, of such coordination.

(4) If a recipient is also a federal contractor subject to Section 503 of the Rehabilitation Act of 1973, as amended, and the regulations thereunder (41 CFR Part 60–741) and if a DoD Component has reason to believe that the recipient is in violation thereof, the DoD Component shall coordinate enforcement actions with the Department of Labor, Office of Federal Contract Compliance Programs. The DoD Component shall notify the ASD(MRA&L), or designee, of such coordination.

§ 56.10 Ensuring compliance with this part in programs and activities conducted by the Department of Defense.

(a) *Supplementary guidelines.* (1) Whenever necessary, the ASD(MRA&L), or designee, shall publish supplementary guidelines for programs and activities that are conducted by DoD Components and that are subject to this Directive. Prior to their issuance, the ASD(MRA&L), or designee, shall submit supplementary guidelines prepared pursuant to this subsection to the Coordination and Review Section, Civil Rights Division, Department of Justice, for review.

(2) The heads of DoD Components, or designees, shall be responsible for keeping the supplementary guidelines described in this section current and accurate. When a DoD Component head determines that a program or activity should be added to or deleted from the guidelines, that official shall notify the ASD(MRA&L), or designee, in writing.

(b) *Staff responsibilities.* The ASD(MRA&L), or designee, shall determine DoD Component compliance with this part as it pertains to programs and activities that are conducted by DoD Components and are subject to this part.

(c) *Filing of complaints.* (1) Complaints of discrimination in a program or activity conducted by a DoD Component may be filed directly with the ASD(MRA&L), or designee.

(2) DoD Components shall develop procedures, such as posters or other devices, to notify participants in the programs and activities listed in § 56.7(c) of their right to be free of discrimination because of handicap in those programs and activities and of their right to file complaints of discrimination with the ASD(MRA&L), or designee.

(d) *Investigations of complaints.* (1) The ASD(MRA&L), or designee, shall investigate complaints of discrimination in programs and activities that are conducted by DoD Components and are subject to this Part.

(2) A case record of each investigation shall be compiled in accordance with § 56.9(j)(2).

(e) *Results of investigations.* If the complaint investigation results in a determination by the ASD(MRA&L), or designee, that a DoD Component's program or activity is not complying with § 56.9, the ASD(MRA&L), or designee, shall proceed as prescribed in § 56.9 (n) through (v). Hearings prescribed under § 56.9(r) however, need not be conducted. If the ASD(MRA&L), or designee, determines that the DoD Component is in compliance, the ASD(MRA&L), or designee, shall notify the complainant within 15 calendar days of such determination.

(f) *Written notice.* If an investigative report concludes that there has been a violation of this part in a program or activity conducted by a DoD Component and the ASD(MRA&L), or designee, accepts that conclusion, that official shall issue to the head of the DoD Component a written notice describing the apparent violation, the corrective actions necessary to achieve compliance, and a suspense date for completion of the corrective actions.

(g) *Effecting compliance.* When necessary to overcome the effects of discrimination in violation of this part the ASD(MRA&L), or designee, may require a DoD Component to take remedial action similar to that in § 56.9(n)(2).

(h) *Employment.* DoD Components that conduct federal programs or activities covered by this part that involve employment of civilian persons to conduct such a program or activity must comply with Section 501 of the Rehabilitation Act of 1973, as amended, and the implementing rules and regulations of the EEOC.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 5, 1982.

[FR Doc. 82-9526 Filed 4-7-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 84, 85 and 86

[CGD 82-037]

Inland Navigational Rules Act of 1980, and Technical Annexes I, II and III; Amendment of Effective Date for the Great Lakes

AGENCY: Coast Guard, DOT.

ACTION: Final rule; amendment of notice of effective date.

SUMMARY: This document amends the effective date of the Inland Navigational Rules and three of its five technical annexes on the Great Lakes. A previous final rule published on February 8, 1982 (47 FR 5834) established the effective

date of the Rules on the Great Lakes as July 1, 1982. Annexes I, II and III were also to become effective on July 1 through a final rule published on March 11, 1982 (47 FR 10531). Comments have been received which indicate that July 1 is an impracticable date for the implementation of the Rules and annexes on the Great Lakes. This document amends the effective date of the Rules and Annexes I, II and III to March 1, 1983.

DATE: The effective date of the Inland Navigational Rules Act of 1980 and 33 CFR Parts 84, 85 and 86 on the Great Lakes is March 1, 1983.

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

SUPPLEMENTARY INFORMATION: New statutory Inland Navigational Rules were enacted on December 24, 1980, and were made effective one year later on all United States waters except the Great Lakes. The new Rules were also to apply on the Great Lakes, but that effective date was delayed so as to allow the Canadian government time to enact parallel navigation rules. The new United States and Canadian navigation rules were to take effect on the Great Lakes simultaneously.

The Inland Navigational Rules Act of 1980 also called for the implementation of special technical annexes to supplement the statutory rules. Final regulations for Annex I were published on December 24, 1981 (46 FR 62443) and for Annexes II and III on December 21, 1981 (46 FR 61845). Annexes I, II and III were made effective on December 24, 1981 (the same date the statutory rules took effect) on all inland waters except the Great Lakes. The final regulations for Annexes IV and V have not yet been published. March 1, 1983 will be the effective date for these Annexes on the Great Lakes.

The Canadian and U.S. Coast Guards planned to establish parallel regulations on April 1, 1982 on the Great Lakes. This date was changed to July 1, 1982 as a result of unexpected delays. The Canadian and U.S. Coast Guards have since received comments from Great Lakes mariners which expressed concern about changing the rules in the middle of the navigation season. In response to these comments, the two Coast Guards have agreed to further delay the implementation of the new rules until March 1, 1983. This revised date will give both governments more time to implement their legislation, and will make the change less disruptive to Great Lakes mariners.

Regulatory Evaluation

The previous final rules which established the July 1, 1982 effective date (47 FR 5834 and 47 FR 10531) were reviewed under Executive Order 12291 and the Department of Transportation's "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 of May 22, 1980), and determined to be neither major nor significant rulemakings. No information has been received which alters those determinations. The rules will require the placement of some navigational equipment on Great Lakes vessels, but the cost has previously been determined to be minimal (46 FR 37002). This rule merely delays the effective date until March 1, 1983, which will allow vessel operators to make the required changes during the winter when their vessels are normally overhauled, thus further reducing the economic impact. Therefore, this final rule is determined to be neither major nor significant, and it is also certified pursuant to Section 605(b) of the Regulatory Flexibility Act that this final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Parts 84, 85, 86

Navigation (water).

The effective date of the Inland Navigational Rules Act of 1980 and Technical Annexes I, II and III (33 CFR Parts 84, 85, and 86) is hereby established to be March 1, 1983 for the Great Lakes.

R. A. Bauman,

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

April 1, 1982.

[FR Doc. 82-9647 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD 81-099]

Drawbridge Operation Regulations; Corte Madera Creek, CA.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Marin Council, Inc., Boy Scouts of America, a yacht harbor, four mariners, and 30 homeowners along Corte Madera Creek, the Coast Guard is changing the regulations governing the Northwestern Pacific Railroad bridge over Corte Madera Creek near Greenbrae, California, to require the bridge to remain open except for the passage of trains or rail maintenance equipment. This change is being made because of a steady decrease in railroad traffic and increased waterway traffic. This action will meet the needs of navigation.

EFFECTIVE DATE: May 10, 1982.

FOR FURTHER INFORMATION CONTACT: Rose E. Guerra, Bridge Administrator, Twelfth Coast Guard District, 630 Sansome Street, San Francisco, CA 94126 or telephone: (415) 556–8668.

SUPPLEMENTARY INFORMATION: On February 8, 1982, the Coast Guard published a proposed rule (47 FR 5729) concerning this amendment. The Commander, Twelfth Coast Guard District, also published these proposals as a Public Notice 12–144, dated 16 February 1982. Interested persons were given until 16 March 1982 to submit comments.

Drafting Information

The principal persons involved in drafting this rule are: Rose E. Guerra, Bridge Administrator, and Lieutenant Commander W. A. Cassels, Project Attorney, District Legal Office, Twelfth Coast Guard District.

Discussion of Comments

Four comments were received. All either agreed with the proposal or offered no objection.

These final regulations have been reviewed under provisions of Executive Order 12291 and have been determined not to be a major rule. They are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). An economic evaluation has not been conducted since the impact is expected to be minimal for the reasons discussed above.

In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Reulations is amended by revising section 117.712(e) to read as follows:

§ 117.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

* * * * *

(e) Corte Madera Creek, Northwestern Pacific railroad bridge near Greenbrae. The draw shall remain open except for the passage of trains or rail maintenance equipment.

* * * * *

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: March 23, 1982.

J. P. Stewart,

Vice Admiral, U.S. Coast Guard Commander, Twelfth Coast Guard District.

[FR Doc. 82-9553 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 72

Urban Park and Recreation Recovery Program

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: Current regulations for the Urban Park and Recreation Recovery (UPARR) Program precluded supplemental grants. This document amends the rules of the UPARR Program to permit supplemental grants to existing innovation grants upon approval by the Director. This amendment is being made to comply with the intent of the FY 1982 budget appropriation approved for the UPARR Program.

EFFECTIVE DATE: April 8, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Samuel Hall, Division of State, Local and Urban Programs, National Park Service, Washington, DC 20240, (202) 272-3516.

SUPPLEMENTARY INFORMATION: For FY 1982, $7.7 million was appropriated to the Urban Park and Recreation Recovery (UPARR) Program "for supplemental grants to existing 'innovation grants' made under authority of section 1003 of the Urban Park and Recreation Recovery Act of 1978 (Title X of Pub. L. 95-625), to remain available until expended." These grants would be aimed at improving and implementing local recreation plans, and increasing the viability and self-sufficiency of local recreation programs. No funding for rehabilitation grants was appropriated for FY 1982.

However, current regulations for the UPARR Program preclude supplemental grants to existing innovation grants. It is, therefore, necessary that these regulations be amended to comply with the intent of the FY 1982 appropriation, so that eligible general purpose local governments can apply for supplemental grants.

Recognizing that the effect of this amendment is to reflect the intent of a Congressional appropriation, and that it takes four to five months to notify eligible jurisdictions, schedule a grant round, and award grant offers, it is expedient to publish this amendment as a final rule. If this amendment were published as a proposed rule, interested governments could not begin the application process until publication of the rule as final, which probably could not occur earlier than July 1982, with the resultant grant round extending into the next fiscal year.

For these reasons, it has been determined that the responsibility to issue the grants during this fiscal year makes it impracticable and contrary to the public interest to publish this amendment as a proposed rule, or to delay the effective date for this amendment beyond the date of this publication. Therefore, in accordance with the exceptions provided for in the Administrative Procedure Act in 5 U.S.C. 553 (b)(B) and d(3), this amendment to the UPARR Grant Procedure requirements is published as a final rule effective immediately.

Statement of Applicability

This amendment does not affect the existing A-95 review process for the UPARR Program as outlined in OMB Circular A-95.

Determination of Effects

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under E.O. 12291 and the Regulatory Flexibility Act (Pub. L. 96-354).

List of Subjects in 36 CFR Part 72

Parks, Recreation.

(Catalog of Federal Domestic Assistance 15.919)

Title X, National Parks & Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 2501-2514)

Dated: March 23, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

PART 72—URBAN PARK AND RECREATION RECOVERY ACT OF 1978

Effective immediately, in consideration of the foregoing, 36 CFR Part 72, Subpart C, § 72.33, is amended as shown.

Subpart C—Grants for Recovery Action Program Development, Rehabilitation and Innovation

By adding a new paragraph (c), § 72.33 to read as follows:

§ 72.33 Timing and duration of projects.

* * * * *

(c) Supplemental grants to existing innovation grants may be approved by the Director.

[FR Doc. 82-9409 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-70-M

VETERANS ADMINISTRATION

38 CFR Part 36

Loan Guaranty; VA-Guaranteed Graduated Payment Mortgages

AGENCY: Veterans Administration.

ACTION: Final regulations with request for comments.

SUMMARY: The VA (Veterans Administration) is amending its regulations to authorize VA-guaranteed graduated payment mortgages. These amendments are designed solely to implement the provisions of the Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981. Minor editorial changes are also made.

DATES: Effective Date October 17, 1981. Comments must be received on or before May 7, 1982.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding this final rule to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), until May 17, 1982. Persons visiting the Veterans Administration Central Office in Washington, D.C. for the purpose of inspecting comments will be received by the Central Office Veterans Services Unit in room 132 of the above address. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Administration, Washington, D.C. 20420 (202) 389-3042.

SUPPLEMENTARY INFORMATION: The Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981 (Pub. L. 97–66, 95 Stat. 1026) revised chapter 37 of title 38, United States Code to authorize the Administrator of Veterans' Affairs to guarantee loans with provisions for various rates of amortization corresponding to anticipated variations in family income; i.e., graduated payment mortgages (GPMs). During the early years of this kind of mortgage, a portion of the interest due on the loan each month is deferred and added to the principal balance of the loan. This is commonly called negative amortization. As a result, the monthly payments are lower, for the first few years, than the corresponding monthly payments on a traditional mortgage for the same amount, where all of the interest and a portion of the principal are scheduled to be paid each month. During these early years, referred to as the graduation period, the mortgagor's payments increase annually to successively higher amounts. After a set number of years, the payments become a constant amount for the duration of the loan. From that point on, each scheduled loan payment includes all of the interest due plus a portion of the principal, as in a traditional mortgage. Because the principal obligation has been increased by the amount of interest deferred during the graduation period, the monthly payments required to amortize the loan after the leveling-off point has been reached are greater than they would have been had the original loan been amortized in the traditional manner.

At this time, VA will guarantee only those GPMs which feature annual payment increases of 7.5 percent, implemented on each annual anniversary date of the loan, for the first 5 years. The final payment increase must take effect on the fifth anniversary of the first loan payment (the 61st payment), with level payments made for the remaining term of the loan (year 6 through year 30). This is similar to the Department of Housing and Urban Development's "Plan III" graduated payment mortgage, the most popular of their plans. (See the National Housing Act, § 245a, 12 U.S.C. 1715z–10(a), as implemented by HUD Handbook 4240.2 Revised.)

A VA guaranteed loan may not exceed the established reasonable value of the property (38 U.S.C. 1810(b)). A graduated payment mortgage loan with its negative amortization requires special handling to assure that the established reasonable value is not exceeded when interest is added to the loan principal during the loan graduation period. This means that a purchaser of a home with a graduated payment mortgage, which actually increases the principal amount owed during the graduation period, must make a downpayment so the loan does not exceed the established reasonable value or projected reasonable value of the property, as appropriate.

Congress in enacting the statutory provision authorizing VA graduated payment mortgages authorized the Administrator to project that the reasonable value of a property could increase by not more than 2.5 percent per annum not to exceed a total projected reasonable value of 115 percent of the original established value. At this time the Administrator has decided that it would be in the best interests of veterans and the Government as loan guarantor to apply projected increases in reasonable value only on loans for new homes (proposed contruction and existing homes not previously occupied). This decision is based on our belief that under current market conditions the values for new homes are more likely to rise than values for existing resale homes.

Section 36.4301 is amended to add the definition of graduated payment mortgage, to alphabetize all definitions in that section, and to assure applicability of the definitions to §§ 36.4300 to 36.4393, inclusively.

Section 36.4302(f) is amended to prescribe that the dollar amount of loan guaranty will be increased on a graduated payment mortgage as deferred interest is added to principal.

Section 36.4309 outlines the requirements for amortization of loans guaranteed by the Veterans Administration. It is amended to provide for the Administrator to guarantee loans for the purpose of acquiring a single-family dwelling unit financed with a graduated payment mortgage. The mortgage must require annual increases in the monthly mortgage payments of 7.5 percent on each of the first five annual anniversary dates of the loan. For proposed construction or existing homes not previously occupied (new homes), the maximum graduated payment mortgage loan amount cannot exceed 97.5 percent of the reasonable value of the property or purchase price, whichever is less as of the time the loan is made. For existing homes the maximum loan amount, including projected deferred interest, cannot exceed the purchase price or reasonable value of the property as of the time the loan is made. Therefore, a minimum downpayment of 2.5 percent will be required of a purchaser obtaining a graduated payment mortgage for a new home, and a minimum downpayment equal to all deferred interest will be required of a purchaser obtaining a graduated payment mortgage for an existing home. At present interest rates this amounts to approximately an 11 percent downpayment on an existing home.

Section 36.4336 provides that the loan may not exceed the reasonable value of the property as determined by the Administrator. That section is amended to specify that, for graduated payment mortgages, the loan amount plus the scheduled deferrals of interest which are to be added to the principal amount of the loan during the graduation period, may not exceed the VA determination of reasonable value, or projected reasonable value, as appropriate. In addition a new subparagraph (2)(ii) is added to paragraph (a) of the section concerning the projected reasonable value requirements for graduated payment mortgage loans on new homes.

Editorial amendments are made to § 36.4300 and the introductory note to this series of regulations, and to §§ 36.4301 and 36.4302(d) to assure the applicability of §§ 36.4300 through 36.4393, inclusively. Section 36.4301, Definitions, is realphabetized to ease its use as a reference, and perfecting technical amendments are made to § 36.4303(a) and (b).

These regulations come within the exceptions to the general VA policy of prior publication of proposed rules, as contained in 38 CFR 1.12. The substantive changes implement statutory mandates and are the same as a GPM plan implemented by HUD. Publication for advance notice and comment would serve little purpose and would not be in the public interest as it would delay implementation of a statute that liberalizes benefits. Since a proposed notice will not be published, the amendment is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

These regulations have been reviewed pursuant to Executive Order 12291, entitled Federal Regulation. The regulations are not considered major with respect to the Executive order because they only make available an alternative method of loan amortization on VA guaranteed home loans. The implementation of a graduated plan of loan amortization should benefit home purchasers wishing to purchase homes and expecting their incomes to increase in the future. While the regulations may increase VA guaranteed home loan

activity, they should not have an annual effect on the economy of $100 million or more, or cause a major increase in costs or prices for consumers. The regulations will have no adverse impact upon any individual industries, Federal, State, or local government agencies, or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

(Catalog of Federal Domestic Assistance Program number, 64.114)

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Mobile homes, Veterans

(Sec. 210(c) and 1803(c)(1) of title 38, United States Code)

Approved: March 22, 1982.

Robert P. Nimmo,

Administrator.

PART 36—LOAN GUARANTY

The Veterans Administration is amending 38 CFR Part 36 as follows:

1. In the "NOTE" preceding § 36.4300, remove "36.4375" and insert "36.4393".

§ 36.4300 [Amended]

2. Section 36.4300 is amended by removing "36.4375" and inserting "36.4393" in the headnote and in paragraph (a).

§ 36.4301 [Amended]

3. Section 36.4301 is amended as follows:

(a) By removing the paragraph designators and recording the definitions alphabetically. In those definitions that have multiple paragraphs, the letter designators remain the same.

(b) By removing "§ 36.4301(c)" and inserting "§ 36.4301" in the definition of "full disbursement".

(c) By removing "36.4375" and inserting "36.4393" in the definitions of "indebtedness", "insurance", "real estate loan" (twice) and "residential property".

(d) By adding the definition "graduated payment mortgage loan" as follows:

"Graduated payment mortgage loan." A loan for the purpose of acquiring a single-family dwelling unit involving a plan for repayment in which a portion of the interest due is deferred for a period of time. The interest so deferred is added to the principal balance thus resulting in a principal amount greater than at loan origination (negative amortization). The monthly payments increase on an annual basis (graduate) for a predetermined period of time until the payments reach a level which will fully amortize the loan during the remaining loan term. (38 U.S.C. 1803 (c) and (d))

§ 36.4302 [Amended]

4. Section § 36.4302 is amended as follows:

(a) By removing "36.4375" and inserting "36.4393" in paragraph (d).

(b) By revising paragraph (f) as follows:

§ 36.4302 Computation of guaranties or insurance credits.

* * * * *

(f) A guaranty is reduced or increased pro rata with any deduction or increase in the amount of the guaranteed indebtedness, but in no event will the amount payable on a guaranty exceed the amount of the original guaranty or the percentage of the indebtedness corresponding to that of the original guaranty, whichever is less. Except that on a graduated payment mortgage loan, the percentage of guaranty applicable to the original loan amount pursuant to paragraph (a) of this section shall apply to the loan indebtedness to the extent scheduled deferred interest is added to principal during the graduation period without regard to the original maximum dollar amount of guaranty. (38 U.S.C. 1803 (b) and (d))

* * * * *

§ 36.4303 [Amended]

5. Section 36.4303 is amended as follows:

(a) By removing "§ 36.4301(c)" and inserting "§ 36.4301" in paragraph (a)(2).

(b) By removing "or a certificate of commitment as provided in paragraph (a) of this section" in paragraph (b).

6. In § 36.4309, paragraphs (a) and (b) are revised and paragraph (e) is added so that the added and revised material reads as follows:

§ 36.4309 Amortization.

(a) All loans, the maturity date of which is beyond 5 years from date of loan or date of assumption by the veteran, shall be amortized. Except as provided in paragraph (e) of this section, the schedule of payments thereon shall be in accordance with any generally recognized plan of amortization requiring approximately equal periodic payments and shall require a principal reduction not less often than annually during the life of the loan. The final installment on any loan shall not be in excess of two times the average of the preceding installments, except that on a construction loan such installment may be for an amount not in excess of 5 per centum of the original principal amount of the loan. The limitations imposed herein on the amount of the final installment shall not apply in the case of any loan extended pursuant to § 36.4314(a).

(b) Any plan of repayment on loans required to be amortized which does not provide for approximately equal periodic payments shall not be eligible unless the plan conforms with the provisions of paragraph (e) of this section, or is otherwise approved by the Administrator.

* * * * *

(e) A graduated payment mortgage loan, providing for deferrals of interest during the first 5 years of the loan and addition of the deferred amounts to principal shall be eligible, *Provided:*

(1) The loan is for the purpose of acquiring a single-family dwelling unit, including a condominium unit or simultaneously acquiring and improving a previously occupied, existing single-family dwelling unit.

(2)(i) For proposed construction or existing homes not previously occupied (new homes), the maximum loan amount cannot exceed 97.5 percent of the lesser of the reasonable value of the property as of the time the loan is made or the purchase price.

(ii) For previously occupied, existing homes the maximum loan amount must be computed to assure that the principal amount of the loan, including all interest scheduled to be deferred and added to the loan principal, will not exceed the purchase price or reasonable value of the property, whichever is less, as of the time the loan is made;

(3) The increases in the monthly periodic payment amount occur annually on each of the first five annual anniversary dates of the first loan installment due date, at a rate of 7.5 percent over the preceding year's monthly payment amount;

(4) Beginning with the payment due on the fifth annual anniversary date of the first loan installment due date, all remaining monthly periodic payments are approximately equal in amount and amortize the loan fully in accordance with the requirements of this section, and

(5) The plan is otherwise acceptable to the Administrator. (38 U.S.C. 1803(d))

7. In § 36.4336, paragraph (a)(2) is revised as follows:

§ 36.4336 Eligibility of loans; reasonable value requirements.

(a) Evidence of guaranty or insurance shall be issued in respect to a loan for

any of the purposes specified in 38 U.S.C. 1810(a) only if:

* * * * *

(2)(i) Except as to refinancing loans pursuant to 38 U.S.C. 1810(a)(8), the loan including any scheduled deferred interest added to principal, does not exceed the reasonable value of the property or projected reasonable value of a new home which is security for a graduated payment mortgage loan, as appropriate, as determined by the Administrator, and

(ii) For the purpose of determining the reasonable value of a graduated payment mortgage loan to purchase a new home, the reasonable value of the property as of the time the loan is made shall be calculated to increase at a rate not in excess of 2.5 percent per year, but in no event may the projected value of the property exceed 115 percent of the initially established reasonable value, and (38 U.S.C. 1803(d)(2))

* * * * *

[FR Doc. 82-9516 Filed 4-7-82; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-2081-3]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces EPA's approval of a revision of the Maryland State Implementation Plan (SIP). The revision fulfills the requirements of Section 127—Public Notification, and Section 121—Intergovernmental Consultation, of the Clean Air Act Amendments of 1977. The revision provides a plan for: (1) Adequately notifying the public of National Ambient Air Quality Standards (NAAQS) exceedances, (2) informing the public of health hazards associated with these exceedances, (3) promoting public participation in the State's air quality planning process, and (4) ensuring proper intergovernmental cooperation between all agencies involved in the State's air quality planning process.

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

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

U.S. Environmental Protection Agency, Region III, Air Media & Energy Branch, Curtis Building, Tenth Floor, Sixth & Walnut Streets, Philadelphia, PA 19106, Attn: Patricia Sheridan

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

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

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

All comments should be addressed to: Henry J. Sokolowski, P.E., Chief, MD-DE-DC Metro Section (3AW12), Air Media & Energy Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth & Walnut Streets, Philadelphia, PA 19106, Attn: AH037MD

FOR FURTHER INFORMATION CONTACT: Cynthia A. Clark (3AW12), U.S. Environmental Protection Agency, Region III, Sixth & Walnut Streets, Philadelphia, PA 19106, telephone: 215/597-9377.

SUPPLEMENTARY INFORMATION: On October 8, 1981, the State of Maryland submitted for EPA approval a revision of the Maryland State Implementation Plan (SIP). The revision consists of two parts: 1) procedures for public notification as required by Section 127 of the Clean Air Act Amendments of 1977, and 2) mechanisms to provide adequate intergovernmental consultation on SIP revisions and other air quality actions, as required by Section 121 of the Clean Air Act, as amended.

1. *Public Notification*—Section 127 of the Clean Air Act requires each State to incorporate in its SIP provisions for notifying the public when and where any national primary ambient air quality standard is exceeded. Notification must also advise the public of health hazards associated with such pollution. The State must also inform the public of ways in which they can participate in regulatory and other efforts to improve air quality.

In order to meet these requirements, Maryland's Air Management Administration (AMA) of the Department of Health and Mental Hygiene performs several functions. AMA reports the Pollution Standard Index (PSI) as described in Appendix G of 40 CFR 58.40, for the Baltimore Metropolitan Area and the Maryland portion of the Washington, D.C. Metropolitan Area. The index for the highest recorded pollutant, general air quality, and health advisory information is reported to the public through a recorded telephone message. The index is also reported by the C&P Telephone Company, the Associated Press, United Press International, the National Weather Service, and the D.C. Lung Association.

The State also issues an annual air quality report. The report includes summaries of air quality data for the preivous year in the two metropolitan areas. Future reports will also include a table listing all exceedances of the primary ambient air quality standards and information on health effects associated with exceedances of the standards. The report is sent to many organizations and individuals including EPA, local governments, libraries, environmental groups, community leaders, and private citizens. A press release furnishing an analysis of the report and announcing the availability of the report to the public will be distributed beginning with the next report.

In an effort to maintain a high degree of public participation in air quality issues, AMA incorporates a number of elements into its planning and regulatory programs. Information on the State's air pollution control program is made available in various forms such as newsletters and slide presentations and is widely distributed.

AMA receives input on air quality issues from a number of advisory committees and through meetings with special interest groups and public hearings. Also, all letters and requests for information are answered promptly.

2. *Intergovernmental Consultation*—Section 121 of the 1977 Clean Air Act directs the State to provide a satisfactory process for consulting all affected organizations during the development of the State Implementation Plan. 40 CFR Part 51 Subpart M describes procedures the State must follow in order to fulfill the requirements of Section 121. To satisfy these requirements, the State has established an intergovernmental consultation program which includes the elements described below.

The State has identified all organizations that participate in the development, implementation, and enforcement of the SIP. Among these are State agencies, County and local government agencies and regional

planning organizations. Additionally, two regional planning agencies are certified as Section 174 agencies for the purpose of transportation control planning within their respective air quality control regions.

All organizations that are involved in the SIP process may not have the same degree of interest in all elements of the SIP. The State developed a matrix which identifies each element of the SIP and the level of participation of each of the organizations. This will ensure that each organization is fully informed of all SIP activities affecting it and has the opportunity for regular and frequent involvement in the SIP development process.

Additional mechanisms used to ensure an efficient and functional consultation process include the use of State and Metropolitan A-95 Clearinghouses to disseminate information to and solicit comments from affected organizations; the use of advisory committees; public hearings; and direct mailings of information to private citizens and interested groups. The State is proposing to add several elements to its program. These include submitting draft SIP revisions to all affected organizations prior to finalizing the revision, developing a monthly summary sheet containing current information for distribution to all interested parties, developing a contract system for delegating responsibility for specific SIP revisions to affected agencies, and designating an intergovernmental coordinator within AMA.

The entire SIP revision was the subject of a public hearing on July 14, 1981, in accordance with requirements of 40 CFR 51.4. The revision satisfies all Federal requirements and recommendations and is approvable by EPA.

The public is advised that these actions will be effective 60 days from the publication date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

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

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

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (insert 60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (see 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

(42 U.S.C. 7401-642)

Dated: March 31, 1982.

Anne M. Gorsuch,

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart V—Maryland

In § 52.1070, Paragraph (c)(63) is added to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(63) A revision submitted by the State of Maryland on October 8, 1981 detailing a plan for satisfying requirements of Sections 127 and 121 of the Clean Air Act Amendments of 1977

[FR Doc. 82-9558 Filed 4-7-82; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. E-78]

Use of Self-Service Pumps

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: GSA Bulletin FPMR G-139 dated March 1, 1979, suggested that agency officials "* * * maximize the use of self-service pumps by their motor vehicle operators." This regulation, recognizing the potential cost savings, makes the use of self-service pumps mandatory for Government motor vehicle operators who purchase gasoline at commercial service stations with self-service pumps by using the Standard Form 149, U.S. Government National Credit Card, or other method of payment.

DATES: Effective date: April 8, 1982. Expiration date: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Frisbee, Federal Fleet Management Division, Office of Motor Equipment (202-275-1021).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291, dated February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the Appendix at the end of Subchapter E to read as follows:

Federal Property Management Regulations

[Temporary Regulation E-78]

To: Heads of Federal agencies

Subject: Use of Self-Service Pumps

1. *Purpose.* This regulation establishes policy and prescribes procedures for use of self-service pumps for refueling Government motor vehicles.

2. *Effective date.* This regulation is effective upon publication in the **Federal Register.**

3. *Expiration date.* This regulation expires March 31, 1983, unless revised or superseded.

4. *Background.* With the increase in the availability of self-service pumps at commercial service stations during the late 1970's, the General Services Administration (GSA) issued GSA Bulletin Federal Property Management Regulation (FPMR) G-139, Use of Self-Service Pumps, on March 1, 1979. This step was taken in order to realize the 2 to 5 cents per gallon savings available at the self-service pumps. The Bulletin strongly suggested that agency officials take action to maximize the use of self-service pumps by their motor vehicle operators. Because the price differential between the two types of service has

increased significant additional cost savings are possible. For this reason, GSA is issuing this regulation to mandate the use of self-service pumps.

5. *Agency actions.* Heads of agencies shall take such actions as are necessary to require the use of self-service pumps by their motor vehicle operators when purchasing fuel at commercial service stations with self-service pumps. Agencies shall ensure proper care and maintenance of their vehicles. The following exemptions from this policy may apply.

a. The non-availability of self-service pumps at a service station under Defense Fuel Supply Center contract for fuel;

b. The physical limitations of the vehicle operator;

c. The refusal by a service station to honor the SF 149, U.S. Government National Credit Card, for fuel pumped at self-service islands; and

d. Severe weather conditions.

6. *Effect on other directives.* GSA FPMR Bulletin G–139 dated March 1, 1979, is canceled.

7. *Comments.* Comments concerning this regulation should be submitted before May 31, 1982, to the General Services Administration, TMM, Washington, DC 20406.

Ray Kline,

Acting Administrator of General Services.

March 9, 1982.

[FR Doc. 82–9556 Filed 4–7–82; 8:45 am]

BILLING CODE 6820–AM–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket No. 80–286]

Jurisdictional Separations; Amendment To Reflect Adoption of the Federal-State Joint Board's Recommended Decisions; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission is correcting the Separations Manual Addendums published in the issue of March 3, 1982, 47 FR 9170, which concerned the subscriber plant factor (SPF) used to allocate costs of non-traffic sensitive plant between the interstate and intrastate jurisdictions, and the phase out of customer-premises equipment from the jurisdictional separations process.

ADDRESS: Federal Communications Commission, 1919 M Street, NW, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James W. McConnaughey, Policy and Program Planning Division, Common Carrier Bureau, at (202) 632–9342.

SUPPLEMENTARY INFORMATION: In the matter of amendment of Part 67 of the Commission's rules and establishment of a Joint Board, CC Docket No. 80–286.

Released April 1, 1982.

The "General" Section and Sections 42.551 and 42.552 of Appendix B to the Decision and Order in the above-entitled matter, released February 26, 1982, are corrected to read as follows:

General

This addendum to the February, 1971 edition of the Separations Manual provides for the phase out and termination of the allocation to interstate of customer premises equipment in Accounts 231 and 234. No customer premises equipment investment, as defined in the Glossary of this Manual, which may be added to those accounts after December 31, 1982 shall be allocated to the interstate operation. The plant balances attributable to customer premises equipment on the books as of December 31, 1982 shall constitute a base amount for allocation between state and interstate operations during a phase out period of 60 months. Starting with January, 1983 the base amount shall be reduced by one sixtieth each month, and all customer premises equipment subject to allocation between state and interstate operations shall terminate after 60 months. None of the reduction so occasioned shall be assigned to interstate operations or included in interstate revenue requirements. A consistent treatment is required for the expenses, taxes and reserves associated with customer premises equipment. The following revisions to the Manual are made:

* * * * *

42.551 No portion of any maintenance expense in Account 605 associated with new customer premises equipment in Accounts 231 and 234 which may be entered on the books of the company after December 31, 1982 shall be apportioned to interstate operations

42.552 The average monthly recorded maintenance expense in Account 605 associated with Ordinary Repairs plus Shop Repairs and Salvage Adjustments of customer premises equipment in Accounts 231 and 234 except Category 2 equipment (excluding amounts for rearrangements and changes, installations, disconnections and removals) for the 12 months preceding the cut-off date shall be used as a base in connection with the phase out of interstate allocation of customer premises equipment. For the month of January, 1983 such base amount shall be reduced by one-sixtieth and apportioned among the operations in accordance with the procedures set forth above in paragraphs 42.521 through 42.542, as applicable.

List of Subjects in 47 CFR Part 67

Communications common carriers.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82–9510 Filed 4–7–82; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1047

[Ex Parte No. MC–75 (Sub-2)]

Agricultural Cooperative Exemption; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction of final rules.

SUMMARY: At 47 FR 13352, March 30, 1982, the Commission corrected rules dealing with the exemption from economic regulation accorded to motor vehicles controlled and operated by an agricultural cooperative association or a federation of associations. An error appeared in § 1047.20 paragraph (b). That error is corrected below.

FOR FURTHER INFORMATION CONTACT: Ann Guthridge, 202–275–7281.

SUPPLEMENTARY INFORMATION:

§ 1047.20 [Corrected]

On page 13353, at the top of the second column, correct the word "Federal" to read "Federation" in the first two lines of § 1047.20(b).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–9469 Filed 4–7–82; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 47, No. 68
Thursday, April 8, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 75

[Airspace Docket No. 82-ASW-14]

Proposed Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Jet Routes J-15 and J-180 between Humble, TX, and Junction, TX. These routes are not being used in their current alignment, because of air traffic control (ATC) considerations. Pilots are requested to file flight plans using radials to describe their route. This action would improve ATC efficiency and flight plan filing procedures for pilots by realigning the jet routes to coincide with routes being used.

DATE: Comments must be received on or before May 10, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 82-ASW-14, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-ASW-14." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C., 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to amend J-15 from Humble, TX, via intersection of Humble 269°T(261°M) and Junction, TX, 112°T(104°M) radials to Junction, and J-180 from Humble, TX, via Daisetta, TX. The current alignment with dual routes is not being used because of ATC considerations and pilots have been requested to file the proposed routes via radials until route designations are made. This action would result in improved ATC efficiency. Section 75.100 of Part 75 was republished on January 2, 1981 (46 FR 834).

List of Subjects in 14 CFR Part 75

Jet Routes.

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 834) as follows:

J-15 [Amended]

By removing the words "From Humble, TX, via INT Humble 275° and Junction, TX, 106° radials; Junction;" and substituting for them the words "From Humble, TX, via INT Humble 269°T(261°M) and Junction, TX, 112°T(104°M) radials; Junction;"

J-180 [Amended]

By removing the words "From Junction, TX, via INT Junction 112° and Humble, TX, 264° radials; Humble; Daisetta, TX;" and substituting for them the words "From Humble, TX, via Daisetta, TX;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on March 31, 1982.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-9464 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 221, 296, and 297

[EDR-408E; Docket No. 38746]

Termination of International Maximum Tariffs Rulemaking

December 18, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Termination of rulemaking.

SUMMARY: The CAB has decided to terminate its rulemaking proceeding to allow airlines to file tariffs that state prices in foreign air transportation as maximum amounts instead of exact amounts. The CAB has determined that the proposal has impeded the United States' ability to successfully pursue competitive policies in international negotiations.

DATE: Terminated December 18, 1981.

FOR FURTHER INFORMATION CONTACT: George S. Baranko or Barry L. Molar, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW, Washington, D.C. 20428; 202-673-6011 and 202-673-5205 respectively.

SUPPLEMENTARY INFORMATION: The Civil Aeronautics Board is terminating the rulemaking proceeding begun by EDR-408 (45 FR 64864, September 30, 1980, Docket 38746). Supplementary information about the Board's action appears in Order 81-12-112, which is being issued concurrently.

Further information concerning related exemptions from section 403 of the Federal Aviation Act for air carriers to accept tickets of other carriers at published fares lower than their own published fares in transpacific markets, and from section 403 and 14 CFR 296.7 and 297.32 to the extent necessary for direct air carriers to pay and indirect cargo carriers to receive fees for U.S. origin cargo shipments in foreign air transportation may be found in Order 81-12-113, December 18, 1981, issued along with this notice.

This action does not affect tariff flexibility in domestic air transportation markets. Although that subject was originally addressed in EDR-408, it was later severed from this docket and addressed separately in Docket 39836. The Board's final rule on domestic tariff flexibility is ER-1246, 46 FR 46787, September 22, 1981.

Accordingly, the Board terminates the rulemaking in Docket 38746.

(Secs. 204, 403, 404, 416, 1002 Pub. L. 85-726, as amended 72 Stat. 743, 758, 760, 771, 788; (49 U.S.C. 1324, 1373, 1374, 1386, 1482))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-9527 Filed 4-7-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CCGD 13-82-02]

Seattle SEAFAIR Sea-Galley Trophy Race

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish an area of controlled navigation in Lake Washington from August 5 until August 8, 1982. This is required due to the unlimited hydroplane races scheduled for this time period as part of Seattle's SEAFAIR Sea-Galley Trophy Race. The Coast Guard through this action intends to ensure the safety of spectators and participants in this event.

DATE: Comments must be received on or before June 8, 1982.

ADDRESSES: Comments should be mailed to Commander (bb), Thirteenth Coast Guard District, 915 Second Ave., Seattle, WA 98174. Comments may also be hand-delivered to this address. All comments received by the Coast Guard on this proposed rule may be viewed or copied at Room 3364. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: LCDR B. W. Mills, Boating Safety Office, (206) 442-7355.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 13-82-02), and the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this proposal are LCDR B. W. Mills, USCG, Project Officer, CCGD13 Boating Safety Office, and LCDR R. R. Clark, USCG, Project Attorney, CCGD13 Legal Office.

Discussion of Proposed Rule

Each year, SEAFAIR, Inc., a non-profit corporation, sponsors an unlimited hydroplane regatta on the waters of Lake Washington. This year, that organization is sponsoring the SEAFAIR Sea-Galley Trophy Race. This four (4) day event draws several hundred thousand spectators to the beaches and waters surrounding the Lake Washington race course. A large number of these spectators view the event from over one thousand pleasure craft which anchor around the race course. To ensure the safety of both the spectators and the participants, special navigational rules are required.

By the authority contained in Title 46, U.S.C. 454, as implemented by Title 33, Part 100 U.S. Code of Federal Regulations, a special local regulation controlling navigation on the waters described is required. By the same authority, the waters involved will be patrolled by vessels of the U.S. Coast Guard. Coast Guard Officers and/or Petty Officers will enforce the regulations and cite persons and vessels in violation.

Summary of Draft Evaluation

These proposed regulations are considered to be nonsignificant in accordance with guidelines set forth in the policies and procedures for simplification, analysis, and review of regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation of the proposal has not been conducted since the impact of this proposed rule on spectators and participants is expected to be minimal. The regulations affect a small area of Lake Washington and will be in effect for only four (4) days, two of those being Saturday and Sunday. There is no commercial traffic in this area of the lake. The Commander, Thirteenth Coast Guard District, certifies in

accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164) that the proposed regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities. On the other side of the economic equation the benefit in saved property damage and personal injury is potentially very considerable.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, by adding the following new section:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

§ 100.35-1302 Lake Washington/1982 SEAFAIR Sea-Galley Trophy Race.

(a) From August 5, to August 7, 1982, this regulation will be in effect from 0800 until 1700 Pacific Daylight time. On August 8, 1982, this regulation will be in effect from 0800 until one hour after the conclusion of the last race. (b) The area where the Coast Guard will restrict general navigation by this regulation during the hours it is in effect is:

(1) The waters of Lake Washington bounded by the Mercer Island (Lacey V. Murrow) Bridge, the western shore of Lake Washington, and the east/west line drawn tangent to Bailey Peninsula and along the shoreline of Mercer Island.

(c) The area described in paragraph (b) of this section has been divided into two zones. The zones are separated by a log boom and a line from the southeast corner of the boom to the northeast tip of Bailey Peninsula. The western zone is designated Zone I, the eastern zone, Zone II. Refer to chart 18447.

(d) The Coast Guard patrol of the area described in paragraph (b) of this section is under the direction of the Coast Guard Patrol Commander. He is empowered to control the movement of vessels on the race course and in the adjoining waters during the periods this regulation is in effect.

(e) Only authorized vessels may be allowed to enter Zone I during the hours this regulation is in effect. Vessels in the vicinity of Zone I shall maneuver and anchor as directed by Coast Guard Officers or Petty Officers.

(f) During the times in which this regulation is in effect, swimming, wading, or otherwise entering the water in Zone I by any person is prohibited.

(g) Vessels proceeding in either Zone I or Zone II during the hours this regulation is in effect shall do so only at speeds which will create minimum wake, seven (7) miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

(h) Upon completion of the daily racing activities, all vessels leaving either Zone I or Zone II shall proceed at speeds of seven (7) miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

(i) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(Sec. 1, 35 Stat. 69, as amended, 46 U.S.C. 454; sec. 6(b)(1), 80 Stat. 938; 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: March 29, 1982.

C. F. DeWolf,

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

[FR Doc. 82-9648 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD 8-82-09]

Anchorage Regulations—Mississippi River Below Baton Rouge, Louisiana, Including South and Southwest Passes, Size Limitations; Advance Notice of Proposed Rulemaking

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: This notice solicits the public's comments and suggestions regarding the limiting of vessels by size which may anchor in the General or Quarantine Anchorages in the Port of New Orleans on the Lower Mississippi River. Representatives of the maritime industry have reported larger ships, when anchored under certain weather and river conditions may cause navigational hazards.

DATE: Comments must be received on or before June 7, 1982.

ADDRESS: Comments should be mailed to Captain of the Port, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, Louisiana 70117.

FOR FURTHER INFORMATION CONTACT: LCDR Gary J. E. Thornton, (504) 589-7117.

SUPPLEMENTARY INFORMATION: Interested persons are invited to submit written views, data or arguments. Each comment should include the name and address of the person submitting the comment, reference to docket number (CGD 08-82-09), and include sufficient detail to indicate the basis on which each comment is made. Persons desiring acknowledgement that their comment has been received should enclose a stamped self-addressed postcard. The proposal may be changed in view of the comments received.

All comments received will be considered before further rulemaking action is taken. No public hearing is planned before publication of proposed rules.

Drafting Information

The principal persons involved in drafting this proposal are LCDR Gary J. E. Thornton, Port Safety Officer, Captain of the Port, New Orleans, and LCDR Roger Brunell, Project Counsel, c/o Commander, Eighth Coast Guard District (d1), 500 Camp Street, New Orleans, Louisiana 70130, Telephone (504) 589-6188.

Discussion

The New Orleans General Anchorage and Quarantine Anchorage as provided for in 33 CFR 110.195 together provide 2.3 statute miles of continuous anchorage. These contiguous anchorages between mile 89.3 and mile 91.6 extend 800 feet into the River from the low water reference plane on the right descending bank, except for the lower 1.2 miles of the General Anchorage which, due to a revetment, are 550 feet wide. During periods of high river stages, vessels within these anchorages generally lay along the current axis and do not weather vane into the adjacent navigation channel. During lower river stages, however, river currents in the vicinity of these anchorages may become weak to negligible. During these low water periods, winds impacting upon vessels' sail area will frequently cause these vessels at anchor to weather vane across the channel axis into the navigation channel. The problem has been aggravated by the generally increased sizes of the bulk carriers which dominate these anchorage populations. The Coast Guard receives periodic suggestions for limiting the vessel sizes in the General and Quarantine Anchorages to minimize their potential impact on vessels transiting the adjacent 1600 foot wide channel. Before proceeding with possible rulemaking in this area, the Coast Guard requests comments in the following areas:

1. To what extent is vessel size considered a safety factor in the General and Quarantine Anchorages?

2. If limiting vessel sizes during certain periods is desirable, what should be the length and/or tonnage limitation?

3. If the limiting of vessel sizes during certain periods is desirable, what river stage criteria should be used for these periods? If a vessel size requirement is proposed, efforts will be made to minimize the economic impact on the private sector, consumers and federal, state and local governments. If the results of this project indicate that regulatory action is warranted, the public will be informed by means of a notice in the **Federal Register.**

List of Subjects in 33 CFR Part 110

Anchorage Grounds.

(Sec. 7, 39 Stat. 1053, as amended (33 U.S.C. 471); sec. 6(G)(1)(A), 80 Stat. 937 (49 U.S.C. 1655(G)(1)(A)); sec. 12, 92 Stat. 1471 (33 U.S.C. 1231); 49 CFR 1.46(c)(1) and (N)(4))

Dated: March 29, 1982.

W. H. Stewart,

Rear Admiral, Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 82-9651 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD 08-82-01]

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Algiers Alternate Route, Louisiana

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Plaquemines Parish Commission Council and the Louisiana Department of Transportation and Development, the Coast Guard is considering changing the regulations governing the State Route 23 lift span bridge across the Gulf Intracoastal Waterway (GIWW), Algiers Alternate Route, mile 3.8, Belle Chasse, Plaquemines Parish, Louisiana. The bridge is a semi-high rise, with a vertical clearance of 40 feet in the closed position, and is required to open on signal at any time. The proposed change would require that, Monday through Friday except holidays, the draw need not open for the passage of vessels from 3:30 P.M. to 5:30 P.M. This action is designed to relieve overland traffic congestion during the peak afternoon vehicular traffic period, while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before May 24, 1982.

ADDRESS: Comments should be submitted to and are available for examination from 9:00 A.M. to 3:00 P.M., Monday through Friday, at the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130.

FOR FURTHER INFORMATION CONTACT: Joseph Irico, Chief, Bridge Administration Branch, at the address given above (504) 589-2965.

SUPPLEMENTARY INFORMATION: Interested parties are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identifying the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed post-card or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: Joseph Irico, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Officer.

Discussion of the Proposed Regulation

Navigation through the bridge is largely barge tows with an occasional petroleum drilling rig, commercial fisher and pleasure craft. Vertical clearance of the lift span is 40 feet in the closed position.

Since 27 March 1981, the proposed rule for closing the bridge to navigation, Monday through Friday from 3:30 P.M. to 5:00 P.M., has been in effect on a trial basis with the following results for the 44 week period through 12 February 1982:

(1) The average daily number of vessels delayed during the trial closure period was 1.6 vessels.

(2) The average daily number of vessels delayed declined from 2.0 vessels during the first half of the trial closure period to 1.3 vessels during the last half, indicating travel schedule adjustments to avoid the bridge closure. This can be expected to continue.

(3) No complaints were received from navigational interests in response to the trial closure.

(4) Vehicular traffic flow was improved, including the elimination of queuing lines at the side street intersections with State Route 23 near both ends of the bridge. An average daily delay of 90 vehicular hours was eliminated by and during the closure period as traffic was not interrupted by bridge openings.

Based on the trial period data, the Coast Guard feels that the proposed regulation provides relief to overland peak traffic, while still meeting the reasonable needs of navigation without any significant economic impact.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since the impact is expected to be minimal for the reasons discussed above. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.536 to read as follows:

§ 117.536 GIWW, Algiers Alternate Route, mile 3.8, Belle Chasse, Louisiana.

The draw shall open on signal except that from 3:30 P.M. to 5:30 P.M., Monday through Friday excluding holidays, the draw need not open for the passage of vessels.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1)(g)(3))

Dated: March 22, 1982.

W. H. Stewart,

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

[FR Doc. 82-9555 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2094-7]

Indiana; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking; extension of comment period.

SUMMARY: On March 3, 1982 (47 FR 9019) EPA proposed rulemaking on Indiana's TSP strategies for most of its nonattainment counties and other related actions. Public comments were due by April 2, 1982. On March 17, 1982, Indiana requested an extension of the public comment period. Indiana wishes to obtain the concurrence of the Indiana Air Pollution Control Board at the Board's May meeting prior to submitting its comments. EPA, therefore, is extending the public comment period on the total suspended particulate (TSP) revision to the Indiana State Implementation Plan (SIP) and on EPA's proposed action until May 7, 1982, two days after the Board's May meeting.

DATE: The comment period is extended to May 7, 1982.

ADDRESS: Comments on this proposed rule should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, USEPA, Region V (5AP-11), 230 South Dearborn, Chicago, Illinois 60604, Attn: File B 180.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Air Programs Branch, Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6031.

Dated: March 29, 1982.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 82-9559 Filed 4-7-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 122, 123, 124, and 146

Mississippi Department of Natural Resources Underground Injection Control Primacy Application; Public Hearing

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 Mississippi Department of Natural Resources requesting approval of its 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 States complying with the statutory requirement that there be an Underground Injection Control program in designated States.

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 Mississippi Department of Natural Resources to regulate Classes I, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by April 30, 1982; public hearing will be held May 10, 1982, 2:00 p.m. Comments must be received by May 18, 1982. Should EPA not receive sufficient public comments or requests to present oral testimony by April 30, 1982, the Agency reserves the right to cancel the public hearing.

ADDRESSES: Comments and requests to testify 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 for review and/or copying 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) 881-4216

Mississippi Department of Natural Resources, Bureau of Pollution Control, Southport Mall, Jackson, Mississippi, (601) 691-5171

The hearing will be held in the War Memorial Building Auditorium, Amit and North State Streets, Jackson, Mississippi.

FOR FURTHER INFORMATION CONTACT: Curtis Fehn, Ground Water Section, Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, Georgia 30365, (404) 881-3866. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: This application from the Mississippi Department of Natural Resources is for the regulation of all Class I, III, IV, and V injection wells in the State. The application includes a description of the State Underground Injection Control program, copies of all applicable regulations and forms, a statement of legal authority, and the memorandum of agreement between the Mississippi Department of Natural Resources and the Region IV office of the Environmental Protection Agency.

List of Subjects

Part 122

Administrative practice and procedure, air pollution control, hazardous materials, reporting and recordkeeping requirements, waste treatment and disposal, water pollution control, water supply, confidential business information.

Part 123

Hazardous materials, Indians—lands, reporting and recordkeeping requirements, waste treatment and disposal, water pollution control, water supply, intergovernmental relations, penalties, confidential business information.

Part 124

Administrative practice and procedure, air pollution control, hazardous materials, waste treatment and disposal, water pollution control, Indians—lands.

Part 146

Hazardous materials, reporting and recordkeeping requirements, waste treatment and disposal, water supply.

Dated: April 1, 1982.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

[FR Doc. 82-9482 Filed 4-7-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Ch. I

[CGD 80-136]

Maneuvering Performance Standards for U.S. Flag Vessels

AGENCY: Coast Guard, DOT.

ACTION: Extension of comment period for advance notice of proposed rulemaking.

SUMMARY: In the Federal Register of September 14, 1981 (46 FR 45631) the Coast Guard solicited comments on performance standards for vessel maneuvering and stopping characteristics until January 12, 1982. This notice extends the public comment period to May 28, 1982.

ADDRESSES: Comments and requests for information should be mailed to

Commandant (G–CMC/44) (CGD 80–136), U.S. Coast Guard, Washington, D.C., 20593. Comments may be delivered to and will be available for inspection and copying from 8 a.m to 4 p.m., Monday through Friday, at the Marine Safety Council (G–CMC/44), Room 4402, Coast Guard Headquarters, 2100 Second Street SW., Washington, (202) 426–1477.

FOR FURTHER INFORMATION CONTACT:
Mr. H. Paul Cojeen, Office of Merchant Marine Safety (G–MMT–4/13), Room 1302, U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426–2197.

Drafting Information

The principal persons involved in drafting this proposal are Mr. H. Paul Cojeen, Office of Merchant Marine Safety, and Michael N. Mervin, Project Counsel, Office of the Chief Counsel, U.S. Coast Guard Headquarters, Washington.

Discussion

The action is taken to allow the public time to review a recently published Coast Guard Report (CG–M–8–81), "Technical Basis for Maneuvering Performance Standards," in connection with the original notice for proposed rulemaking. Copies of the report are being sent to those parties who previously commented or requested further information.

Dated: April 2, 1982.

L. N. Hein,

Captain, U.S. Coast Guard Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 82–9554 Filed 4–7–82; 8:45 am]

BILLING CODE 4910–14–M

Notices

Federal Register
Vol. 47 No. 68
Thursday, April 8, 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

Forest Service
Coronado National Forest Grazing Advisory Board; Meeting

The Coronado National Forest Grazing Advisory Board will meet at 10:00 a.m, May 18, 1982, at the Federal Building, 301 West Congress, Room 7X, Tucson, Arizona. The purpose of this meeting is to discuss allotment management planning and the use of range betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify Larry Allen, Coronado Supervisor's Office, telephone 602–792–6418. Written statements will be filed with the board before or after the meeting.

The board has established the following rule for public participation: Nonmembers are asked to withhold comments until the close of business.

Dated: April 2, 1982.

R. B. Tippeconnic,
Forest Supervisor.

[FR Doc. 82-9407 Filed 4-7-82; 8:45 am]
BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD
[Order 82-4-19]

Certificate of Public Convenience and Necessity; Arrow Airways, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: Order 82–4–19.

SUMMARY: The Board proposes to issue a certificate of public convenience and necessity to Arrow Airways, Inc. to provide scheduled foreign air transportation of persons, property, and mail between the United States and a point or points in the following foreign places: Antigua and Barbuda, Aruba, The Bahamas, Barbados, Belgium, Belize, Curacao, Dominican Republic, El Salvador, Federal Republic of Germany, Grenada, Guadeloupe, Guatemala, Guyana, Haiti, Honduras, Ireland, Jamaica, Luxembourg, Martinique, the Netherlands, Nicaraqua, Panama, St. Kitts, St. Maarten, Switzerland, and Trinidad and Tobago.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions, as described in the order cited above, shall, no later than April 28, 1982, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 40168, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to all affected carriers, the Departments of State and Transportation and the Attorney General.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed certificate.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5432. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, (202) 673–5203, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

April 1, 1982.

[FR Doc. 82-9531 Filed 4-7-82; 8:45 am]
BILLING CODE 6320-01-M

Application Under Subpart Q; North Pacific Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting Fitness Investigation of North Pacific Airlines, Inc., Order 82–4–14, Docket 40350 and All-Cargo Show-Cause Proceeding, Docket 40585.

SUMMARY: The Board is instituting an investigation to determine the fitness of North Pacific Airlines, Inc. to receive a certificate of public convenience and necessity authorizing it to engage in the interstate and overseas air transportation of persons, property and mail between all points in the United States, its territories and possessions, except in all-cargo service within Alaska or Hawaii, and all-cargo air transportation in Alaska between and among the seven points listed in its application.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions concerning all-cargo issues shall file by April 28, 1982 a statement of objections together with a summary of testimony, statistical data and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below. Persons wishing to file petitions to intervene in the North Pacific Airlines Fitness Investigation shall file their petitions in Docket 40350 by April 19, 1982, and serve such filings on all persons listed below.

ADDRESSES: Petitions to intervene should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 40350, application of North Pacific Airlines, Inc. for a certificate of public convenience and necessity. In addition, copies of such filings should be served on: North Pacific Airlines, Inc., The Fog, the Mayors and airport managers of King Salmon, Dillingham, Iliamna, Mc Grath, Valdez, Seward and Anchorage; American Association of Airport Executives; and the Federal Aviation Administration.

FOR FURTHER INFORMATION CONTACT: Phyllis Solomon, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 82–4–14 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82–4–14 to that address.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

April 1, 1982.

[FR Doc. 82-9532 Filed 4-7-82; 8:45 am]

BILLING CODE 6320-01-M

[Order 82-3-179; Docket 40583]

Saipan/Guam/Palau-Philippines Service Case; Continental Airlines, et al.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order instituting investigation: Order 82-3-179, Docket 40583.

SUMMARY: The Board has received applications for scheduled U.S.-Philippines authority from Continental Air Lines (Docket 40346), Air Micronesia, Inc. (Docket 40347), and Island Aviation, Inc. (Docket 40369). The Board is instituting an investigation to select a primary and back-up carrier to provide scheduled service between Saipan, Guam, Palau and points in the Philippines. The complete text of Order 82-3-179 is available as noted below.

DATE: Applications, motions to consolidate applications conforming to the scope of this proceeding, petitions from interested parties, and petitions for reconsideration shall be filed by April 26, 1982.

ADDRESS: All pleadings should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 40583, Saipan/Guam/Palau-Philippines Service Case.

FOR FURTHER INFORMATION CONTACT: Ronald A. Brown, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5203.

SUPPLEMENTARY INFORMATION: The complete text of Order 82-3-179 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82-3-179 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secrtary.

March 31, 1982.

[FR Doc. 82-9533 Filed 4-7-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-048]

Expanded Metal of Base Metal From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On January 25, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on expanded metal of base metal from Japan. The review covers the twenty-five known exporters to the United States and the period January 1, 1980 through December 31, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: April 8, 1982.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or John R. Kugelman, Office of Compliance, International Trade Administration, Department of Commerce, Washington, D.C. (20230)202-377-4273/5289).

SUPPLEMENTARY INFORMATION:

Background

On January 16, 1974, an antidumping finding with respect to expanded metal of base metal from Japan was published in the **Federal Register** as Treasury Decision 74-29 (39 FR 1979). On January 25, 1982, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the finding (47 FR 3394-5). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of expanded metal of base metal manufactured in three types (standard, flattened, and grating) and various thicknesses. Expanded metal of base metal is currently classifiable under item 652.8000 of the Tariff Schedules of the United States Annotated (TSUSA).

This review covers the twenty-five known firms engaged in the manufacture and/or exportation of Japanese expanded metal of base metal to the United States and the period January 1, 1980 through December 31, 1980.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for disclosure or a hearing. Therefore, the final results are the same as those presented in the preliminary results of review, and we determine that the following weighted-average margins exist:

Manufacturer/exporter	Margin (percent)
Alton Trading Co	4.9
Daitoku Trading Co., Ltd	4
Eiko Co., Ltd	[1] 3.8
Hanwa Co., Ltd	0
Kanematsu-Gosho, Ltd	[1] 4.8
Kansai Tekko/Fuji Shoko Co., Ltd	0.3
Kansai Tekko/Mitsubishi Corp./Kawamoto & Co., Ltd	0.3
Kansai Tekko/Nichimen Co., Ltd	0.3
Kawamoto & Co., Ltd	0.3
Kawashige Kozai Co	[1] 4.9
Kawasho Corp	[1] 4.9
Kawatetsu Steel/Shibamoto	0
Kawatetsu Steel/Toyo Menka Kaisha	0
Kobayashi Metals Ltd	[1] 3.8
Marubeni Corp	[1] 0
Midorigaoka Co., Ltd	4.9
Mitsui & Co., Ltd	[1] 4.9
Nakaumi Kogyo, Ltd	[1] 4.9
Nippon Steel Products Co., Ltd	0.33
Nittetsu Shoji Co., Ltd	[1] 0
Ogawa & Co., Ltd	[1] 0.3
Okaya & Co., Ltd	[1] 0.33
Sumitomo Crop. (Sumitomo Shoji Kaisha)	[1] 3.8
Taisei International	[1] 4.9
Tomiyasuy & Co., Ltd	[1] 4.9

[1] No shipments during period.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries with purchase dates during the period involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit based on the margins above shall be required on all shipments by these firms of expanded metal of base metal entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Because the weighted-average margins for Kansai Tekko/Fuji Shoko Co., Ltd., Kansai Tekko/Mitsubishi Corp./Kawamoto & Co., Ltd., Kansai Tekko/Nichimen Co., Ltd., Kawamoto & Co., Ltd., Nippon Steel Products Co., Ltd., Ogawa & Co., Ltd., and Okaya & Co., Ltd., are less than 0.5 percent and therefore *de minimis*, the Department waives the deposit requirement on shipments from these firms. For any

shipment from a new exporter not covered in this administrative review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the period. These deposit requirements, and waivers of deposit, shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of January 1983.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

April 1, 1982.

[FR Doc. 82-9535 Filed 4-7-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Availability of Recent Postdoctoral Research Grants

AGENCY: National Ocenic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: NOAA's Office of University Affairs is making available to institutions of higher education a limited number of recent postdoctoral research grants in the areas of atmospheric sciences, oceanic sciences, fisheries sciences, and related fields. NOAA anticipates making grant awards by August 1982.

DATES: In order to ensure consideration for funding for the 1982–83 academic year, completed research proposals must be received from universities on or before June 10, 1982.

ADDRESS: NOAA Office of University Affairs, Room 5808, Main Commerce Building, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Dr. Earl Droessler, (202) 377–5020.

SUPPLEMENTARY INFORMATION: Notice is hereby given by NOAA's Office of University Affairs that further information and informal quidelines are now available for those insitutions of higher education wishing to apply for grants under this program.

NOAA anticipates funding on an annual basis up to six, one, or two-year non-renewable recent postdoctoral research grants to sponsor the research of investigators who have received their Ph. D. since January 1, 1980 and before June 10, 1982. Awards will be made on the basis of scientific merit, competence of the principal investigator, and the likelihood of achieving results of value to the NOAA mission. A NOAA review board will consider all applications.

It is estimated that total funds up to $40,000 per year for each grant will be available to provide for: a postdoctoral $22,000 stipend, applicable fringe benefits, supplies, publications, travel and indirect costs. As a special provision of the awards, each recent postdoctoral investigator will be asked to establish a visiting relationship with a suitable NOAA laboratory or other facility and be in residence there up to one month each year to communicate on the postdoctoral research program and its results; and to learn first hand about NOAA's scientific program needs.

Legislative Authority: 39 U.S.C. 1124 establishes a program for the funding of Sea Grant Programs and projects dealing with marine research, marine education and training; and/or marine advisory services, that are designed to achieve the objective of the Act, and that generally respond to the needs of individual states or regions.

Date: March 31, 1982.

Francis J. Balint,

Director Office of Information and Management Services.

[FR Doc. 82-9412 Filed 4-7-82; 8:45 am]

BILLING CODE 3510-12-M

Regulations Governing the Taking and Importing of Marine Mammals; Taking of Marine Mammals Incidential to Commercial Fishing Operations

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of determination.

SUMMARY: The Assistant Administrator for Fisheries, National Marine Fisheries Service (NMFS), in consultation with the Department of State, finds that the Government of El Salvador is in substantial conformance with U.S. regulations governing the taking of marine mammals (i.e. porpoise) incidental to commercial fishing operations. In finding that this nation is not fishing in a manner proscribed for persons subject to the jurisdication of the United States, the Assistant Administrator for Fisheries exempts this nation from the importation prohibition provisions affecting yellowfin tuna and tuna products.

EFFECTIVE DATE: April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. R. B. Brumsted, Acting Deputy Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, (Telephone: 202/634–7529).

SUPPLEMENTARY INFORMATION: The NMFS published regulations in the **Federal Register** on December 23, 1977 (42 FR 64551–64560) governing the taking of marine mammals incidental to commercial fishing operations. These regulations were repromulgated on October 31, 1980 (45 FR 72178–72196) and include provisions concerning the importation of yellowfin tuna and tuna products from nations known to be involved in the yellowfin tuna purse seine fishery in the eastern tropical Pacific Ocean (ETP). Importation of yellowfin tuna and tuna products from these countries is contingent upon certain findings by the Assistant Administrator for Fisheries in accordance with 50 CFR 216.24(e)(5). The Assistant Administrator must find (a) that the fishing operations of the nation concerned "* * *are conducted in conformance with U.S. regulations and standards* * *", or (b) that, "although not in comformity with these regulations, such fising is accomplished in a manner which does not result in an incidental mortality and serious injury in excess of that which results from U.S. fishing operations under these regulations."

In 1981, fourteen nations were known to be actively purse seining for tuna in the ETP. Ten of these nations have been found to be in conformance with the regulations and are exempted from the importation prohibition provisions. Three nations are prohibited from exportation of yellowfin tuna under either the Marine Mammal Protection Act or the Tuna Conventions Act (see 47 FR 11307, March 16, 1982). El Salvador is hereby being given a similar exemption to the prohibition provisions.

This finding by the Assistant Administrator for Fisheries, made in accordance with § 216.24(e)(5)(i), exempts El Salvador from the import provisions concerning yellowfin tuna and tuna products listed in § 216.24(e)(2)(ii). However, the requirements listed in § 216.24(e)(4) will continue to apply. The Assistant administrator considered all available information in making this finding. Information submitted by El Salvador is available to the public at the information contact address set out

above, and is summarized in the following:

El Salvador

(a) *Fleet.* El Salvador's tuna purse seine fleet in 1981 consisted of two vessels, *Justicia* and *Participacion.* They began fishing operations on July 13, and October 29, 1981, respectively. El Salvador exported 25 short tons of yellowfin and 126 short tons of skipjack to the United States in 1981 but expects this to increase to approximately 3,000 short tons of yellowfin and 4,000 short tons of skipjack in 1982. Both vessels are equipped with one inch porpoise safety ("Medina") panels and have crews experienced in the U.S. Method of releasing porpoises.

(b) *Porpoise mortality.* El Salvador estimates that in 1982 approximately 40 to 60 porpoises will be killed by the two vessels.

This finding, which permits the exportation of yellowfin tuna to the United States until December 31, 1982, will be subject to annual review in which the NMFS will require an update of the items listed in § 216.24(e)(5)(ii) to insure that the conditions which supported the original finding continue to exist.

Dated: April 2, 1982.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 82-9548 Filed 4-7-82; 8:45 am]

BILLING CODE 3510-22-M

United States Travel and Tourism Administration

Travel and Tourism Advisory Board; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976) notice is hereby given that the Travel and Tourism Advisory Board of the U.S. Department of Commerce will meet on April 29, 1982, at 10:00 a.m., in Room 4830 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Established March 19, 1982, the Travel and Tourism Advisory Board consists of 15 members, representing the major segments of the travel and tourism industry and state tourism interests, and includes one member of a travel labor organization, a consumer advocate, an academcian and a financial expert.

Members advise the Secretary of Commerce on matters pertinent to the Department's responsibilities to accomplish the purpose of the National Tourism Policy Act (Pub. L. 97-63), and provide guidance to the Assistant Secretary for Tourism Marketing in the preparation of annual marketing plans. A detailed agenda will be published in the **Federal Register** in advance of the meeting.

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements is allowed.

Christine Hathaway, Committee Control Officer, United States Travel and Tourism Administration, Room 1865, U.S. Department of Commerce, Washington, D.C. 20230 (telephone: 202-377-0136) will respond to public requests for information about the meeting.

Peter McCoy,

Under Secretary for Travel and Tourism, Department of Commerce.

[FR Doc. 82-9534 Filed 4-7-82; 8:45 am]

BILLING CODE 3510-11-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Restraint Levels for Certain Man-Made Fiber Textile Products from the Dominican Republic

April 2, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by the application of swing and carryforward the level of restraint established for man-made fiber brassieres in Category 649 from 1,453,501 dozen to 1,665,751 dozen, and decreasing by the square yard equivalent amount of swing applied to Category 649, the level of restraint for women's, girls' and infants' knit shirts and blouses of man-made fibers in Category 639 from 314,848 dozen to 281,248 dozen. These adjustments apply to man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the agreement year which began on June 1, 1981 and extends through May 31, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), and February 9, 1982 (47 FR 5926)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and the Dominican Republic provides that specific ceilings may be increased by not more than seven percent during an agreement year (swing), provided the amount of increase is offset by an equivalent decrease in one or more specific limits. The agreement further provides for the borrowing of yardage from the following agreement year (carryforward) with the amount used being deducted from the level in the following year. In accordance with the terms of the bilateral agreement, and at the request of the Government of the Dominican Republic, the import restrain levels established for man-made fiber textile products in Categories 639 and 649 are being adjusted for the twelve-month period which began on June 1, 1981.

EFFECTIVE DATE: April 2, 1982.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-2124).

SUPPLEMENTARY INFORMATION: On May 26, 1981, there was published in the **Federal Register** (46 FR 28206) a letter dated May 20, 1981 from the Chariman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established import restraint levels for certain specified categories of cotton and man-made fiber textile products, including Categories 639 and 649, produced or manufactured in the Dominican Republic and exported to the United States during the twelve-month period which began on June 1, 1981 and extends through May 31, 1982. In accordance with the terms of the bilateral agreement and at the request of the Government of the Dominican Republic, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in the letter published below, to prohibit entry into the United States for consumption and withdrawal fron warehouse for consumption of textile products in Categories 639 and 649 in excess of the

respective, adjusted levels of restraint of 281,248 dozen, and 1,665,751 dozen.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

April 2, 1982.

Committee For the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On May 20, 1981, the Chairman of the Committee for the Implementation of Textile Agreements directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period which began on June 1, 1981 and extends through May 31, 1982 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Dominican Republic, in excess of designated levels of restraint. The Chairman further advised you the levels of restraint are subject to adjustment.[1]

Effective on April 2, 1982, the levels of restraint established for Categories 639 and 649 in the directive of May 20, 1981, as amended, are adjusted to the following:

Category	Adjusted 12-mo level of restraint[1]
639	281,248 dozen.
649	1,665,751 dozen.

[1] The levels of restraint have not been adjusted to account for any imports after May 31, 1980.

The actions taken with respect to the Government of the Dominican Republic and with respect to imports of man-made fiber textile products from the Dominican Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day

Chairman, Committee for the Implementation of Textile Agreements

[FR Doc. 82-9410 Filed 4-7-82; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and the Dominican Republic, which provide, in part, that: (1) specific limits may be exceeded by designated percentages to account for swing with comparable amounts being deducted from other specific limits; (2) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limits; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Controlling Imports of Cotton Gloves From India

April 2, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling imports of cotton gloves in Category 331, produced or manufactured in India and exported during the agreement year which began on January 1, 1982, at a level of 285,714 dozen pairs. (A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), and February 9, 1982 (47 FR 5926).)

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, the Government of the United States has decided to control the consultation level established for cotton textile products in Category 331 during the agreement year which began on January 1, 1982 in the same manner as other categories are currently being controlled.

EFFECTIVE DATE: April 9, 1982.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 18, 1981, there was published in the **Federal Register** (46 FR 61685) a letter dated December 15, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in India, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. In the letter published below, in accordance with the terms of the bilateral agreement, the Chairman of the Commitee for the Implementation of Textile Agreements directs the Commissioner of Customs also to prohibit entry of cotton textile products in Category 331 in excess of 285,714 dozen pairs during the same agreement period. The level of restraint has not been adjusted to account for any imports in the category after December 31, 1981. Charges will be made for merchandise in Category 331 exported on and after January 1, 1982.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

April 2, 1982

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 15, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in India.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 9, 1982 and for the twelve-month period beginning on January 1, 1982 and extending through Decemberr 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 331, produced or manufactured in India, in excess of 284,714 dozen pairs.[1]

Textile products in Category 331 which have been exported to the United States prior to January 1, 1982 shall not be subject to this directive.

Textile products in Category 331 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), and February 9, 1982 (47 FR 5926).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of India and with respect to imports of cotton textile products from India have been determined by the Committee for

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1981.

the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-9411 Filed 4-7-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Sacramento San Joaquin Delta Investigation in San Joaquin, Contra Costa, and Sacramento Counties, California

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of Intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. *Proposed Action.*—At the request of the State of California and in response to a resolution of the Congress of the United States, the Corps of Engineers is investigating the feasibility of providing additional flood protection in the Delta and to preserve and enhance scenic, recreation, and fish and wildlife opportunities in the Delta.

2. *Alternatives.*—Alternatives being considered include no action, and structural measures. The structural measures include levee improvements on different combinations of islands and tracts. Recreation and fish and wildlife enhancement opportunities are being examined for the alternatives being considered.

3. *Scoping of the DEIS.*—Close coordination will continue with local agencies, other Federal agencies, and interested parties. Due to the presence of prime agricultural lands, six endangered species and valuable game and nongame fish and wildlife species, detailed analysis of potential impacts and enhancement measures for these resources will be made.

4. Several public meetings have occurred during the past study phase. Additional meetings presently unscheduled will take place for developing recreation and environmental quality plans. A public meeting is scheduled for August 1982 to assist in finalizing the feasibility report.

5. The DEIS is scheduled to be made available to the public in July 1982.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. Ray Williams, Study Manager, Sacramento District, Corps of Engineers, 650 Capitol Mall, Sacramento, CA 95814, telephone (916) 440-3429 (FTS 448-3429).

Dated: April 1, 1982.

Paul F. Kavanaugh,

Colonel, CE District Engineer.

[FR Doc. 82-9413 Filed 4-7-82; 8:45 am]

BILLING CODE 3710-GH-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Hydropower Project at Unalaska, Alaska

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. The proposed action is to determine the feasibility of a small hydroelectric project. There are two plans:

a. Pyramid Creek and Schiesnikof River, sites 1 and 2 respectively.

2. Site 1 would include the enlargement of the existing water supply penstock and dam. A pressure reducing turbine would be located near Captains Bay and produce approximately 500 kilowatts of power

3. Site 2 would require the construction of a 25 foot high 250 foot long dam at Schiesnikof Lake, the source of the river. The powerhouse would be located at the bottom of the falls near the lake outlet. The 100 feet of head should produce approximately 1 megawatt of power.

4. There are no public meetings scheduled at this time, however, adequate notification of the public meeting schedule will be published. Coordination with the U.S. Fish and Wildlife Service and other concerned agencies has been initiated in accordance with the Fish and Wildlife Coordination Act of 1956.

a. Significant issues which will be analyzed in the DEIS include project impacts on fish, wildlife, and archaeological resources and the socioeconomic structure of Unalaska.

b. During actual studies, other agencies may express an interest in providing input. Federal, State and local agencies will be asked to review the study results.

5. A scoping meeting is not expected to he held; however, coordination meetings with Federal, State, and local resource agencies have been held and future meetings are anticipated.

6. The draft report is expected to be available for public review in July 1983.

ADDRESS: Questions about the proposed action and DEIS can be answered by William Lloyd, Chief, Environmental Section, Alaska District, Corps of Engineers, P.O. Box 7002, Anchorage, Alaska 99510.

Dated: March 30, 1982.

Lee R. Nunn,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 82-9414 Filed 4-7-82; 8:45 am]

BILLING CODE 3710-NL-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Hydropower Project at Chignik Lagoon, Alaska

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statements.

SUMMARY: 1. The proposed action is to determine the feasibility of a small hydroelectric project. There is one alternative:

a. Site 1 is Packers Creek.

2. The Site 1 would have a head of 250 feet producing 550 kilowatts (KW). The 250 foot head would require 4,000 feet of 30 inch diameter penstock.

3. A public meeting in Chignik Lagoon is scheduled for April 1982—second quarter of FY 1982, at which time the Corps of Engineers will outline potential project plans and gather public input. Coordination has been initiated with U.S. Fish and Wildlife Service in accordance with the Fish and Wildlife Coordination Act of 1956 and with other State and Federal agencies.

a. Significant issues which will be analyzed in the DEIS include project impacts on the fish, wildlife, and archaeological resources and the effects of the socioeconomic structure of Chignik Lagoon.

b. During actual studies, other agencies may express an interest in providing input. Federal, State, and local agencies will be asked to review the study results.

4. A scoping meeting is not expected to be held; however, coordination meetings with Federal, State, and local agencies have been held and future meetings are anticipated.

5. The draft report is expected to be available for public review in December 1982—the first quarter of FY 1983.

ADDRESS: Questions about the proposed action and DEIS can be answered by:

William Lloyd, Chief, Environmental Section, Alaska District, Corps of Engineers, P.O. Box 7002, Anchorage, Alaska 99510.

Dated: March 30, 1982.

Lee R. Nunn,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 82-9415 Filed 4-7-82; 8:45 am]

BILLING CODE 3710-NL-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Hydropower Project at Perryville, Alaska

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. The proposed action is to determine the feasibility of a small hydroelectric project. There is one alternative:

a. Site 1 is an Unnamed Creek.

2. Site 1 would have a head of 500 feet producing 150 kilowatts (KW). The 500 foot head would require 4,000 feet of 24 inch diameter penstock.

3. A public meeting in Perryville is scheduled for FY 1982, at which time a representative from the Corps of Engineers will outline potential project plans and gather public input. Coordination has been initiated with U.S. Fish and Wildlife Service in accordance with the Fish and Wildlife Coordination Act of 1956 and with other State and Federal agencies.

a. Significant issues which will be analyzed in the DEIS include project impacts on the fish, wildlife, and archaeological resources and the effects of the socioeconomic structure of Perryville.

b. During actual studies, other agencies may express an interest in providing input. Federal, State, and local agencies will be asked to review the study results.

4. A scoping meeting is not expected to be held; however, coordination meetings with Federal, State, and local agencies have been held and future meetings are anticipated.

5. The draft report is expected to be available for public review in December 1982—the first quarter of FY 1983.

ADDRESS: Questions about the proposed action and DEIS can be answered by: William Lloyd, Chief, Environmental Section, Alaska District, Corps of Engineers, P.O. Box 7002, Anchorage, Alaska 99510.

Dated: March 30, 1982.

Lee R. Nunn,

Colonel, Corps of Engineers District Engineer.

[FR Doc. 82-9416 Filed 4-7-82; 8:45 am]

BILLING CODE 3710-NL-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Hydropower Project at Chignik Bay, Alaska

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. The proposed action is to determine the feasibility of a small hydroelectric project. There are two alternatives:

a. Mud Bay Creek and Indian Creek, Sites 1 and 2 respectively.

2. Site 1 would have a head of 120 feet producing 270 kilowatts (KW). The 120 foot head would require 5,000 feet of 30 inch diameter penstock.

Site 2 would have a head of 400 feet producing 600 kilowatts (KW). The 400 foot head would require 5,500 feet of 30 inch diameter penstock.

3. A public meeting in Chignik Bay is scheduled for April 1982 at which time the Corps of Engineers will outline potential project plans and gather public input. Coordination has been initiated with U.S. Fish and Wildlife Service in accordance with the Fish and Wildlife Coordination Act of 1956 and with other State and Federal agencies.

a. Significant issues which will be analyzed in the DEIS include project impacts on the fish, wildlife, and archaeological resources and the effects of the socioeconomic structure of Chignik Bay.

b. During actual studies, other agencies may express an interest in providing input. Federal, State, and local agencies will be asked to review the study results.

4. A scoping meeting is not expected to be held; however, coordination meetings with Federal, State, and local agenices have been held and future meetings are anticipated.

5. The draft report is expected to be available for public review in June 1983—the third quarter of FY 1983.

ADDRESS: Questions about the proposed action and DEIS can be answered by: William Lloyd, Chief, Environmental Section, Alaska District, Corps of Engineers, P.O. Box 7002, Anchorage, Alaska 99510.

Dated: March 30, 1982.

Lee R. Nunn,

Colonel, Corps of Engineers District Engineer.

[FR Doc. 82-9417 Filed 4-7-82; 8:45 am]

BILLING CODE 3710-NL-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Sacramento River and Tributaries Bank Protection and Erosion Control Investigation in Shasta, Tehama, Glenn, Butte, Golusa, Shutter, Yuba, Yolo, Sacramento, and Solano Counties, California.

AGENCY: Army Corps of Engineers, Department of Defense, DOD.

ACTION: Notice of Intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. *Proposed Action.* In response to a resolution of the Congress of the United States, the Corps of Engineers is investigating the feasibility of providing additional streambank protection and erosion control along the Sacramento River and Tributaries.

2. *Alternatives.*—Alternatives being considered include no action, nonstructural, and structural measures. The structural measures include a comprehensive plan of channel stabilization using various forms of bank protection. Recreation and fish and wildlife enhancement opportunities are being examined for the alternatives being considered.

3. *Scoping of the DEIS.*—Close coordination will continue with local agencies, other Federal agencies, and interested parties. Due to the presence of prime agricultural lands, one endangered species, and valuable game and nongame fish and wildlife species, detailed analysis of potential impacts and enhancement measures for these resources will be made.

4. A public meeting will be held on April 28, 1982 in Chico, California, at the Chico Municipal Center, 421 Main Street to discuss the alternatives being considered, environmental concerns, and on other related aspects. Additional meetings are planned to discuss needs for recreation and fish and wildlife improvements. Another public meeting is scheduled for mid-1983 to discuss the candidate plan proposed for solution of erosion problems and associated needs.

5. The DEIS is scheduled to be made available to the public early in 1983.

ADDRESS: Questions about the proposed action and DEIS can be answered by:

Mr. David Gundlach, Study Manager, Sacramento District, Corps of Engineers, 650 Capitol Mall, Sacramento, CA 95814, telephone (916) 440–2572 (FTS 448–2572).

Dated: March 29, 1982.

Paul F. Kavanaugh,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 82-9486 Filed 4-7-82; 8:45 am]

BILLING CODE 3710-GH-M

DEPARTMENT OF EDUCATION

Advisory Panel on Financing Elementary and Secondary Education; Meeting Cancellation

AGENCY: Advisory Panel on Financing Elementary and secondary Education, Education.

ACTION: Cancellation of meeting.

SUMMARY: This document is intended to notify the public of the cancellation of the April 15 and 16, 1982 meeting of the Advisory Panel on Financing Elementary and Secondary Education as published on page 12844 in the **Federal Register** of March 25, 1982.

FOR FURTHER INFORMATION CONTACT: Will S. Myers, Executive Director, Advisory Panel on Financing Elementary and Secondary Education, P.O. Box 19125, Washington, D.C. 20036, (202) 653–8278.

Signed in Washington, D.C., on March 31, 1982.

Will S. Myers,

Executive Director.

[FR Doc. 82-9418 Filed 4-7-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Draft Regional Electric Load Forecast and Opportunity for Public Review and Comment

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Draft Regional Electric Load Forecast and Opportunity for Public Review and Comment.

SUMMARY: The Bonneville Power Administration (BPA) has produced a draft forecast of the Pacific Northwest's consumption of electricity to the year 2000. The purpose of the forecast is to assist BPA in a variety of power planning activities. This Notice provides a summary of the forecast; its major assumptions; and reasonable high and low potential consumption levels given certain possible economic and demographic circumstances. The entire forecast document, except for detailed supporting analyses, is currently available from the Public Involvement Coordinator. BPA intends to make its detailed supporting analyses available in early May. The public comment period for this draft forecast will allow the public to review the underlying assumptions and data used to produce the forecast.

To date, BPA has held three technical workshops. BPA sent letters amnouncing these workshops to approximately 860 addressees, including State and local governments, utilities, public interest groups, and interested individuals. Included in the mailing was a reply card for persons to incicate their interest in remaining on the mailing list for load forecasting. Approximately 400 cards were received by BPA. On December 9, 1981, a workshop was held on the economic and demographic projections to be used in the forecast. Prior to this December meeting, presentations on the economic and demographic projections were made to the Pacific Northwest Electric Power and Conservation Planning Council (Regional Council), the Pacific Northwest Utilities Conference Committee and its load forecasting subcommittee, as well as the State energy offices of Oregon, Washington, Idaho, and Montana. The economic and demographic projections were subsequently revised in response to the comments received at all the public meetings. On January 11–12, 1982, a workshop was held on the proposed forecasting models to be used in the BPA regional forecast. On February 5, 1982, a workshop was held on retail electric price forecasting. In an effort to invite as many people as possible to the workshop in a short period of time, BPA contacted by telephone a number of entities and individuals thought to be interested in the subject matter, including the Regional Council, the Pacific Northwest Utilities Conference Committee, BPA customers, Natural Resources Defense Council, Rose City Ratepayers, and Forelaws on Board.

DATES: Written comments on the draft forecast including its methodology, assumptions, and inputs used in producing the forecast must be submitted to the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212 on or before June 2, 1982. The detailed studies which support the forecast will be available the first week in May 1982, from the Public Involvement Coordinator.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503–230–4261. Oregon callers may use the toll-free number 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800–547–6048.

Mr. George Gwinnutt, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97232, 503–230–4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503–345–0311.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406–755–6202.

Mr. Ronald K. Rodewald, District Manager, P.O. Box 741, Wenatchee, Washington, 98801, 509–662–4377, extension 379.

Mr. Thomas M. Noguchi, Acting Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130.

Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, extension 701.

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION:

Forecast of Regional Electricity Consumption, 1980–2000. The forecast document presents a long-range baseline forecast of electricity consumption in the Pacific Northwest, as the region is defined by the Pacific Northwest Electric Power Planning and Conservation Act of 1980, Pub. L. 96–501, for the years 1980–2000. The purpose of the forecast, and its various subforecasts, is to assist in power planning. Hence, projections are expressed as a baseline, to which are added alternative cases representing situations of high and low electricity consumption in relation to the base forecast.

The forecast is designed as an aid to planning, *not* as a final simulation of the most probable consumption of electrical energy to the year 2000. It focuses on concerns of BPA management, particularly regarding future electricity use as influenced by conservation, and it is intended to support resource planning and operation of the existing generation system, and rate design. Both of these considerations are emphasized in Pub. L. 96–501. The forecast's primary role is to aid decisionmaking pending publication of the Regional Council's official 20-year electrical energy forecast

and plan in April 1983. Thereafter, the Northwest Power Planning Council Forecast will be utilized in the planning and acquisition of appropriate resources by BPA.

BPA views forecasting as a continuing effort which incorporates new data as it becomes available, is adaptable to improved methodology, and can be subjected to detailed analyses on issues of concern to planners. In the current forecast, various forecasting models and techniques were used, selected because they have been validated and because they have been adapted to conditions in the region, or, as in the case of BPA power sales contracts, because they provide a good base of information. The goal has been to develop a flexible forecasting system which utilizes the strengths of its components and minimizes their weaknesses.

The forecast presented, like any forecast, is dependent upon the assumptions and inputs which go into it. Because of the disaggregated nature of the forecasting models, there are a large number of assumptions and inputs which must be specified. The major ones are concerned with the economy and population growth, conservation programs and practices, fuel and electricity prices, and technical-engineering factors.

The regional economy is expected to exceed the growth of the national economy as projected by Data Resources, Incorporated. In the baseline case, regional employment is expected to grow by an average annual rate of 2.1 percent, from under 3.5 million in 1980, a recession year, to over 5.2 million in the year 2000. This supports a population growth of 1.4 percent annually, to a total of almost 10.6 million people by 2000. The Bureau of Census projects the U.S. population to grow at a rate of .8 percent annually during the same period. Real personal income, which is often used as a proxy for comparing Gross National Product to Gross Regional Product, has been projected to increase at a 4.1 percent annual rate for the region. Data Resources forecasted a 2.6 percent annual rate of increase for the nation during the next two decades.

Two types of conservation are included within these forecast: conservation which is achieved individually by consumers in response to increasing energy costs, and conservation attributable to existing geovernment, BPA, and Utility conservation programs. Care has been taken to avoid double counting the savings from those separate categories A third type of conservation is not included in these forecasts: savings which might be achieved through future conservation programs budgeted by BPA, by local and State governments, or by utilities. This conservation potential if to be analyzed outside the framework of these forecasts in a separate conservation assessment.

Competing fuel prices are important determinants of energy consumption. BPA has developed a model to project retail electricity rates incorporating the major features of Pub. L. 96–501. Overall, regional electric rates in real terms (adjusted for inflation) are projected to increase dramatically by 1984 (a total real increase of about 40 percent between 1980 and 1984) and then stay relatively constant through 2000. The 20-year annual rate of growth for real electricity prices averages about 1.9 percent for all consumer sectors and will vary according to utility. Real natural gas prices increase at rates of 2.6 to 3.2 percent annually over the forecast period, depending on the consuming sector, with more rapid increases expected in the first 5 years. Fuel oil prices increase at a some what slower rate than natural gas, from 2.3 to 2.9 percent per year.

For all of these assumptions and inputs, analysts have developed a reasonable range of high and low values around the baseline for each variable; this range was used consistently to produce high and low forecasts. High and low values are an important expression of the uncertainty inherent in this forecast, and are used to permit contingency planning and risk analysis. While the baseline forecast represents a "best guess" as to what the future will hold, it should be understood that no forecast is precisely confirmed by actual events. Table 1 provides an assessment of the probabilities, derived through informed judgement, of the four possible outcomes which the future could reveal.

Table 2 provides the numerical projections at 5-year intervals for the high, baseline, and low cases. Average annual rates of growth are given for 1980–2000, 1990–2000, and for the total forecast period.

TABLE 1.—UNCERTAINTY ASSESSMENT

Occurrence	Probability of occurrence (percent)
(a) Actual loads exceed the high case	15
(b) Actual loads fall between the baseline and high case	40
(c) Actual loads fall between the baseline and low case	35
(d) Actual loads fall below the low case	10

Table 2.—Forecasts of Electricity Loads for the Pacific Northwest

[In Average Megawatts]

Sector	1980	1985	1990	1995	2000	AARG [1] (percent) 1980–1990	1990–2000	1980–2000
Residential:								
Low	5,615	5,1752	6,150	6,439	6,724	0.9	0.9	0.9
Base	5,615	5,958	6,611	7,109	7,662	1.6	1.5	1.6
High	5,611	6,451	7,399	8,233	9,131	2.8	2.1	2.5
Commercial:								
Low	2,795	2,828	2,814	3,100	3,447	0.3	1.5	0.9
Base	2,809	3,125	3,440	3,846	4,314	2.0	2.3	2.2
High	2,827	3,487	4,091	4,784	5,467	3.8	2.9	3.4
Industrial:								
Low	6,386	5,836	6,247	6,759	7,281	−0.2	1.5	0.7
Base	6,378	6,206	7,301	8,011	8,681	1.4	1.7	1.6
High	6,446	6,614	7,828	8,656	9,861	2.0	2.3	2.1
Irrigation:								
Low	767	796	827	850	876	0.8	0.6	0.7
Base	767	834	903	971	1,048	1.6	1.5	1.6
High	767	842	915	1,017	1,115	1.8	2.0	1.9
Total Sales:								
Low	15,563	15,212	16,098	17,148	18,218	0.3	1.2	0.8
Base	15,569	16,123	18,255	19,937	21,705	1.6	1.7	1.7
High	15,561	17,394	20,233	22,690	25,574	2.6	2.4	2.5
Losses:								
Low	1,167	1,142	1,207	1,286	1,366	0.3	1.2	0.8
Base	1,168	1,209	1,389	1,495	1,828	1.6	1.7	1.7
High	1,174	1,305	1,517	1,702	1,918	2.6	2.4	2.5
Total Load:								
Low	16,370	16,353	17,305	18,434	19,584	0.3	1.2	0.8
Base	16,737	17,332	19,624	21,432	23,333	1.6	1.7	1.7
High	16,825	18,699	21,750	24,392	27,492	2.6	2.4	2.5

[1] Average annual rates of growth.

Issued in Portland, Oregon, March 30, 1982

Marvin Klinger,

Acting Administrator.

[FR Doc. 82-9454 Filed 4-5-82; 12:40 pm]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Case No. 650X00278]

Dorchester Gas Corp.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives Notice of a Proposed Remedial Order which was issued to Dorchester Gas Corporation (Dorchester), 5735 Pineland Drive, Dallas, Texas 75231. This Proposed Remedial Order charges Dorchester with reporting, certification and entitlements violations in the amount of $48,756,573.37 plus interest, connected with its sales of crude oil during the period November 1974 through August 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, Attn: Ernest D. Moore, Dallas Audit Director, 2626 West Mockingbird Lane, Dallas, Texas 75235.

On or before April 23, 1982, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Tex., on the 19th day of March 1982.

Thomas A. Fry, III,

Houston Field Office, Economic Regulatory Administration.

[FR Doc. 82-9456 Filed 4-7-82; 8:45 am]

BILLING CODE 6450-01-M

[Case No. 650X00284]

Fuel Oil Supply & Terminaling, Inc. and the Estate of Eddie E. "Bud" Hadsell, Deceased; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives Notice of a Proposed Remedial Order which was issued to Fuel Oil Supply and Terminaling, Inc. and the Estate of Eddie E. "Bud" Hadsell, Deceased (FOSTI), 333 West Loop North, Suite 303, Houston, Texas 77024. This Proposed Remedial Order charges FOSTI with layering violations in the amount of $2,414,661.28, connected with its resales of crude oil during the period July 1978 through September 1978.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, Attn: James Louthan, Houston Audit Director, One Allen Center, Suite 660, 500 Dallas Street, Houston, Texas 77002.

On or before April 23, 1982, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Tex., on the 17th day of March 1982.

Thomas A. Fry, III,

Director, Houston Field Office, Economic Regulatory Administration.

[FR Doc. 82-9455 Filed 4-7-82; 8:45 am]

BILLING CODE 6450-01-M

Petroleum Delivery Service, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Petroleum Delivery Service, Inc., 1375 NE., 135th Street, North Miami Beach, Florida 33160. This Proposed Remedial Order charges Petroleum Delivery Service, Inc., with pricing violations in the amount of $338,004.03 connected with the sales of refined petroleum products during the period November 1, 1973 through July 31, 1974.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Mr. William R. Gibson, Deputy Director, Atlanta Office, Economic Regulatory Administration, 1655 Peachtree Street, NW., Atlanta, Georgia 30309, Telephone (404) 881-2661. On or before April 23, 1982, any aggrieved person may file a Notice of Objection with the U.S. Department of Energy, Office of Hearings and Appeals, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Ga., on the 25th day of March 1982.

William R. Gibson,

Deputy Director, Atlanta Office, Economic Regulatory Administration.

Concurrence:

Susan P. Tate,

Deputy Regional Counsel.

[FR Doc. 82-9457 Filed 4-7-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearing and Appeals

Issuance of Proposed Decision and Order; Week of March 15 Through March 19, 1982

During the week of March 15 through March 19, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated: April 1, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

W. T. Waggoner Estate, March 17, 1982, BEE-1399.

The W.T. Waggoner Estate filed an Applicaton for Exception from the provisions of 10 CFR Part 212, Subpart L. The exception request, if granted would permit the firm in sales made subsequent to September 1, 1980 to charge a price for crude oil that it resells which is $.20 per barrel above the sum of its per barrel acquisition cost plus its per barrel operating cost. On March 17, 1982, the DOE issued a Proposed Decision and Order which tentatively determined that exception relief should be granted in part.

[FR Doc. 82-9458 Filed 4-7-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL-2095-6]

Science Advisory Board; Clean Air Scientific Advisory Committee (CASAC); Open Meeting

Under Pub. L. 92-463, notice is hereby given of a meeting of the Clean Air Scientific Advisory Committee of the Science Advisory Board. The meeting will be held April 26-27, 1982, starting at 9:15 a.m. on April 26 in the Main Auditorium, EPA, Environmental Research Center, Route 54 and Alexander Drive, Research Triangle Park, North Carolina. A major purpose of the meeting is to allow the Committee to review and provide its advice to EPA on the first external review draft of EPA's Staff Paper for Sulfur Oxides. A staff paper is a vehicle for preliminary identification and evaluation by EPA staff of the key scientific studies in the air quality criteria document and critical elements to be considered in review of the pertinent national ambient air quality standard. Copies of this document maybe obtained by writing Mr. John Bachmann, Office of Air Quality Planning and Standards, MD-12, EPA, Research Triangle Park, N.C. 27711 or by calling Mr. Bachmann at (919) 541-5531. Copies of the Staff Paper will also be made avaialable at the CASAC meeting.

Another major purpose of the meeting is the CASAC comment and review of a development plan for a revised air quality criteria document for lead, in addition to discussion of other items of member interest.

The meeting is open to the public. Any member of the public wishing to obtain information or participate should contract Terry F. Yosie (202) 755-0696 by close of business April 19, 1982. Members of the public wishing to make formal statements at the meeting should provide a written summary to Dr. Yosie by close of business April 19, 1982.

Terry F. Yosie,

Acting Director, Science Advisory Board.

April 2, 1982.

[FR Doc. 82-9487 Filed 4-7-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits 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 interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of 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 that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than May 1, 1982.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Manufacturers Hanover Corporation*, New York, New York, (consumer lending, real estate equity lending, sales finance, and credit related insurance activities; Virginia): To continue to hold the shares of Finance One Mortgage of Virginia, Inc. ("Finance One Mortgage") after Finance One Mortgage establishes a *de novo* office from which Finance One Mortgage would engage in the activities of arranging, making or acquiring for its own account or for the account of others, direct loans, real estate equity loans, sales finance and other extensions of credit such as would be made by a finance company; and acting as an agent or broker for the sale of single and joint credit life insurance which is directly related to such loans and extensions of credit. These activities would be conducted from a *de novo* office located at 4500 Holland Road, Virginia Beach, Virginia and serving Mathews, Gloucester, New Kent, Charles City, James City, Prince George, Surry, Southampton, Isle of Wight, Middlesex, southern King and Queen, southern King William, southern Northampton, southern Lancaster, and northeaster Sussex Counties, including the independent cities of Chesapeake, Virginia Beach, Suffolk, Norfolk, Newport News, Hampton, Portsmouth, Nansemond, and Princess Anne.

2. *Schroders PLC, Schroder International Limited, Schroder International Holdings*, all of 120 Cheapside, London EC2V 6DS, England, and *Schroders Incorporated*, One State Street, New York, New York 10004 (investment advisory services in oil and gas interests): To establish a *de novo* office of their subsidiary, Schroder Oil Financing & Investment Company, Inc., to act as an investment advisor to United States and foreign clients with respect to their investments in oil and gas interest, and to assist in the financing of such investments, at One State Street, New York, New York.

B. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

Univest Corporation of Pennsylvania, Souderton, Pennsylvania (mortgage banking and insurance activities; Pennsylvania, New Jersey, and Delaware): To engage, through its subsidiary, Univest Mortgage Company, in the making or acquiring, for its own account or for the account of others, loans or other extensions of credit such as would be made by a mortgage company. To act as agent or broker for the sale of insurance that is directly related to an extension of credit by a bank or bank-related firm or any insurance directly related to the provision of other financial services by a bank or such bank-related firm. These activities would be conducted from the offices in Souderton, Pennsylvania, serving Pennsylvania, New Jersey and

Delaware. Comments on this application must be received not later than April 22, 1982.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

Virginia National Bankshares, Inc., Norfolk, Virginia (mortgage lending and insurance activities; Florida): To engage, through its subsidiary, VNB Equity Corporation, in making, acquiring, and servicing, for its own account or for the account of others, loans secured principally by second mortgages on real property, and acting as an agent in the sale of credit life insurance and accident and health insurance in connection with such loans. These activities will be conducted from offices in Tampa, Florida, and Jacksonville, Florida, serving those respective cities and their environs. Comments on this application must be received not later than April 26, 1982.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

Commerce Southwest Inc., Dallas, Texas (investment management and advisory services, Texas): To engage through its subsidiary, BancTexas Investment Management, Inc., in providing investment management and advisory services to affiliate banks and non-affiliate banks, trust companies and other financial institutions and to individuals and corporations; and furnishing general economic statistical forecasting services and industry studies. These activities would be conducted from offices at 1525 Elm Street, Suite 1200, Dallas, Texas, serving the State of Texas.

E. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Seafirst Corporation*, Seattle, Washington (commercial Finance activities; Utah): To engage through its subsidiary Seafirst Commercial Corporation, in making or acquiring loans and other extensions of credit including commercial loans secured by a borrower's inventory, accounts receivable, capital equipment, or other assets; servicing loans; and leasing personal property in accordance with the Board's Regulation Y. These activities would be conducted through an office in Salt Lake City, Utah, serving the State of Utah.

2. *Security Pacific Corporation*, Los Angeles, California (finance and credit life, accident and health insurance activities; Arizona): To engage through its subsidiary, Security Pacific Finance Corp. in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a consumer finance company, and acting as broker or agent for the sale of credit life, accident and health insurance. These activities would be conducted from an office of Security Pacific Finance Corp. located in Mesa, Arizona; serving the State of Arizona.

F. **Other Federal Reserve Banks:** None.

Board of Governors of the Federal Reserve System, April 1, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-9461 Filed 4-7-82; 8:45 am]

BILLING CODE 6210-01-M

Citicorp; Proposed Purchase Plus Plan

Citicorp, New York, New York, has 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 22.4(b)(2)), for permission to engage through its subsidiary, Citicorp Financial, Inc., in the activity of offering a plan, called the Purchase Plus Plan, that would be offered in connection with the subsidiary's already approved Choice credit card and would permit Choice cardholders to place funds in a Plan account for future use. Such funds would earn interest at a rate determined by market conditions. The funds could be used to pay a cardholder's balance due on the Choice card or could be withdrawn by written request or on demand at any of the subsidiary's five offices located in Maryland. Funds in Plan accounts would be guaranteed by an irrevocable letter of credit issued by Citicorp's banking subsidiary, Citibank, N.A., New York, New York.

These activities would be performed from offices of Applicant's subsidiary in Towson, Maryland, and the geographic areas to be served are the States of Maryland, Virginia, Delaware, Pennsylvania, and the District of Columbia.

Although the proposed activity has not been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, the Board has determined by order that activities similar to the proposed activity are closely related to banking. *E.g., Orbanco Financial Services Corporation*, 68 Federal Reserve Bulletin 198 (press release of February 16, 1982); *First Bancorporation (Beehive Thrift and Loan Company)*, (press release of March 12, 1982).

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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 30, 1982.

Board of Governors of the Federal Reserve System, April 1, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-9474 Filed 4-7-82; 8:45 am]

BILLING CODE 6210-01-M

English Valley Bancshares, Inc.; Formation of Bank Holding Company

English Valley Bancshares, Inc., North English, Iowa, 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 84 percent or more of the voting shares of Farmers Savings Bank, North English, Iowa. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 2, 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, April 2, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-9475 Filed 4-7-82; 8:45 am]

BILLING CODE 6210-01-M

JDOB, Inc.; Formation of Bank Holding Company

JDOB, Inc., Naples, Florida, has applied for the Board's approval under ¶3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 93.3 percent or more of the voting shares of First Nationa Bank of Askov, Askov, Minnesota. The factors that are considered in acting on the application are set forth in ¶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 Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 2, 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, April 2, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-9476 Filed 4-7-82; 8:45 am]

BILLING CODE 6210-01-M

Landmark Banking Corporation of Florida; Proposed Acquisition of Capital America, Inc., Capital Associates, Inc. and American Capital Leasing

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, has 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 Capital America, Inc., Fort Lauderdale, Florida; Capital Associates, Inc., Pompano Beach, Florida; and American Capital Leasing, Rolling Meadows, Illinois.

Applicant states that the proposed subsidiaries would perform as principal, agent, broker or advisor for the leasing of personal property, mainly office and other equipment; and as agent or broker the selling of credit life, credit accident and health insurance. These activities would be performed from offices of Applicant's subsidiary in Pompano Beach, Florida; Atlanta, Georgia; Ft. Lauderdale, Florida; Orlando, Florida; and Rolling Meadows, Illinois, and the geographic areas to be served are the States of Ohio, Illinois, Florida, Georgia, Virginia, North Carolina, South Carolina, Mississippi, Alabama, Tennessee, Texas, Kentucky, Missouri, and West Virginia. 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 Atlanta.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than April 30, 1982.

Board of Governors of the Federal Reserve System, March 31, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-9480 Filed 4-7-82; 8:45 am]

BILLING CODE 6210-01-M

Lisle Bancorporation, Inc.; Formation of Bank Holding Company

Lisle Bancorporation, Inc., Lisle, Illinois, 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 per cent of the voting shares, less directors' qualifying shares, of the successor by merger to Bank of Lisle, Lisle, Illinois. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 2, 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, April 2, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-9477 Filed 4-7-82; 8:45 am]

BILLING CODE 6210-01-M

Nebraska First Security Corp.; Formation of Bank Holding Company

Nebraska First Security Corporation, Lincoln, Nebraska, 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 First Security National Bank, Lincoln, Nebraska. 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 May 2, 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, April 2, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-9478 Filed 4-7-82; 8:45 am]

BILLING CODE 6210-01-M

T–C Holdings, Inc.; Formation of Bank Holding Company

T–C Holdings, Inc., Chicago, Illinois, 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 93 per cent or more of the voting shares of Bank of Yorktown, Lombard, Illinois. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 23, 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, April 2, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-9479 Filed 4-7-82; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Service

[Intervention Notice 147]

Potomac Electric Power Co. and Public Service Commission of the District of Columbia; Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration (GSA) seeks to intervene in a proceeding before the Public Service Commission of the District of Columbia concerning the application of the Potomac Electric Power Company for an increase in its electric rates. GSA represents the interest of the executive agencies of the U.S. Government as users of utility services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to John L. Stanberry, Assistant Commissioner, Office of Public Utilities, Transportation and Public Utilities Service, General Services Administration, Washington, D.C. (mailing address: General Services Administration (TU), Washington, D.C. 20406), 202–275–1027, on or before May 10, 1982, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act. 40 U.S.C. 481 (a)(4))

Dated: March 26, 1982.

Allan W. Beres,

Commissioner, Transportation and Public Utilities Service.

[FR Doc. 82-9488 Filed 4-7-82; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Pueblo of Isleta, New Mexico; Proclaiming Certain Lands as Part of the Reservation of the Pueblo of Isleta

December 10, 1981.

This notice is published in the exercise of authority delegated by the Secretary to the Assistant Secretary—Indian Affairs by 209 DM 8.1. On December 10, 1981, pursuant to authority contained in section 7 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), the following described land, known as the Toledo Tract, located in Valencia County, was added to and made a part of the Reservation of the Pueblo of Isleta.

New Mexico Principal Meridian

T. 7 N., R. 3 E.,

Sec. 18, said tract being more particularly described as follows:

Beginning at the SE corner of the small holding claim 1011 and the NE corner of the small holding claim 854, said corner being a marked stone set by General Land Office and as shown on the GLO plat showing small holding claims surveyed in T.7N., R.3E., N.M.P.M. and approved by the Surveyor General's Office November 29, 1895; thence N. 3° E., 713.46 feet to a point; thence S. 89°39'32" E., 801.79 feet to a stone marked SE corner which point being the SE corner of the small holding claim 2367; thence N. 9°44'04" W., 1,431.62 feet to a point; thence on a due East bearing, 732.58 to a point on the West boundary of the Isleta Pueblo Tribal land; thence S. 7°56'51" W., 2,281.25 feet along said boundary to a point; thence N. 83°13'28" W., 1,023.02 feet to a point; thence N. 4°45' E., 20.00 feet to the SE corner of small holding claim 1011 and the NE corner of small holding claim 854, the point and place of Beginning, said tract containing 35.865 acres, more or less;

Together with the water and ditch rights appurtenant to or used in connection with the said land; together with all and singular lands, tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the state, right, title interest, claim and demand whatsoever, of the Grantors, either in law or equity, of, in and to the above-described premises, with the hereditaments and appurtenances thereunto belonging.

Subject to all valid existing easements, reservations and rights-of-way of record.

Roy H. Sampsel,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 82-9419 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[Serial Number: A 17000-V]

Arizona; Classification of Public Lands for State Indemnity Selection

1. The Arizona State Land Department has filed a petition for classification and application to acquire the lands described in Paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application has been assigned the serial number A 17000–V.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified on or before June 7, 1982. Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602–241–2854).

4. For a period of 60 days from the date of publication of this notice in the **Federal Register**, (June 7, 1982) all persons who wish to submit comments on the above classification may present their views in writing for consideration to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to

warrant the time and expense of a hearing.

5. The lands included in this classification are located in Yavapai County, Arizona and are described as follows: (Footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

Application A 17000–V

Gila and Salt River Meridian, Arizona

T. 12 N., R. 1 E.,
Sec. 15: Lots 1, 2. [1 2 7 8]

Total: Approximately 61.96 acres.

T. 11 N., R. 2 E.,
Sec. 5: Lots 6, 8, SW¼NW¼. [1 2 3 9 15]
Sec. 8: Lot 3. [1 4 10 16]
Sec. 17: E½NE¼. [5 6 10 11]
Sec. 26: NW¼NE¼, S½NE¼, NE¼SE¼. [9 17 18 19]

Total: Approximately 373.53 acres.

T. 12 N., R. 2 E.,
Sec. 29: S½. [12 20]
Sec. 30: Lots 5, 6. [12 20]
Sec. 32: Lot 7, NE¼, N½ NW¼. [9 21]

Total: Approximately 630.14 acres.

T. 13 N., R. 2 E.,
Sec. 6: Lots 1, 2, 3, 4, S½NE¼, SE¼. [1 2 13 14 22 23 24 25]
Sec. 7: NE¼, N½NE¼SE¼. [1 13 22 26]

Total: Approximately 639.44 aces.

T. 14 N., R. 2 E.,
Sec. 27: SW¼. [14 27 28]
Sec. 33: Lot 1, E½NE¼, NE¼SE¼. [1 14 28]
Sec. 34: Lots 3, 4, NW¼, N½SW¼. [1 14 29]

Total: Approximately 597.48 acres.

The total acreage described above for Application A 17000–V is approximately 2,302.55 acres.

6. The following listed corporations and individuals are holders of or applicants for leases, permits, and/or rights-of-way on public lands described in Paragraph 5 above:

Rights-of-Way

[1] Arizona Public Service, R/W Dept., Station 3172, P.O. Box 21666, Phoenix, AZ 85036, PHX 084014, PHX 086932, AR 04207, AR 033004, A 1273, A 6121, A 7651.

[2] Arizona Department of Transportation, 205 S. 17th Avenue, Phoenix, AZ 85007, PHX 085902, PHX 085905, A 4309.

[3] Mountain States Telephone, 3033 N. 3rd Street, R/W Dept. Room 806A, Phoenix, AZ 85012, AR 030724.

[4] Yavapai County Board of Supervisors, Courthouse, Prescott, AZ 86301, A 9544.

[5] Bureau of Reclamation, Parker-Davis Project, 2200 Valley Bank Center, Phoenix, AZ 85073, PHX 085401.

[6] El Paso Natural Gas Company, P.O. Box 1492, El Paso, TX 79978, AR 010913.

Grazing Leases

[7] Rex Cattle Company, UX Ranch, Box 430, Mayer, AZ 86333.

[8] James Anderson, Box 191, Dewey, AZ 86327.

[9] John Bensch and Ernest Bensch, Jr., Route 2, Box 27–A, Red Lodge, MT 59068.

[10] Donald E. O'Beirne, 1135 E. Vaughn, Tempe, AZ 85283.

[11] Brent C. & Deborah B. Berge, 2401 W. Bell Road, Phoenix, AZ 85023.

[12] Halle Ranch, c/o Wale S. Collins & Davies P. C., 1830 First National Plaza, Phoenix, AZ 85003.

[13] Rex C. & Nola F. Ellsworth, 15435 N. 1st Avenue, Phoenix, AZ 85023.

[14] William H. Barr, Box 232, Dewey, AZ 86327.

Range Improvements Cooperative Agreements

[15] No. 1134; Fence; John Bensch.
[16] No. 0651; Fence; Donald E. O'Beirne.
[17] No. 1106; Cement Dike and Flume; John Bensch.
[18] No. 1120; Fence; John Bensch.
[19] No. 1221; Windmill, Trough & Fence; John Bensch.
[20] No. 0570; Fence; Halle Ranch.
[21] No. 1134; Fence; John Bensch.
[22] No. 1067; Fence; Rex C. Ellsworth.
[23] No. 2136; Fence; Rex C. Ellsworth.
[24] No. 2130; Fence; William H. Barr.
[25] No. 2137; Fence; William H. Barr.
[26] No. 1727; Fence; Rex C. Ellsworth.
[27] No. 0460; Fence; William H. Barr.
[28] No. 1707; Fence; William H. Barr.
[29] No. 1593; Well; William H. Barr.

7. Rights-of-way granted by BLM will transfer with the land. State Law and Land Department procedures (R 12–5–154 D Administrative Rules and Regulations, Arizona State Land Department) provide for the offering to holders of BLM grazing permits the first right to lease lands that are transferred to the State. This constitutes official notice to grazing lessees that their Bureau of Land Management will be terminated in part upon transfer of the land to the State of Arizona.

Dated: March 29, 1982.

Tom Allen,

Acting State Director.

[FR Doc. 82–9422 Filed 4–7–82, 8:45 am]

BILLING CODE 4310–84–M

Lakeview Grazing District Advisory Board; Meeting

Notice is hereby given, in accordance with Pub. L. 94–579 and 43 CFR 4120.6–1(e) that a meeting of the Lakeview District Grazing Advisory Board will be held on May 11, 1982 at 10:00 a.m. in the Lakeview District Office Conference Room at 1000 S. 9th Street, Lakeview, Oregon 97630.

The agenda will include the following topics:

1. Rangeland Program Summary
2. Selective Management Policy
3. Range Maintenance Policy
4. Stockdriveway Withdrawal Review

The meeting will be open to the public parties who desire to attend. Interested persons may make oral statements to the Board or file a written statement for the Board's consideration.

Summary minutes of the Board Meeting will be maintained in the District Office and will be available for public inspection during regular business hours within 30 days following the meeting.

March 30, 1982.

Richard A. Gerity,

District Manager.

[FR Doc. 82–9421 Filed 4–7–82; 8:45 am]

BILLING CODE 4310–84–M

[NM 52112]

New Mexico; Application

March 30, 1982.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for a 10-inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 6 S., R. 24 E.,
Section 13: N½SE¼.
T. 6 S., R. 25 E.,
Section 27: S½SE¼;
Section 28: W½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Section 29: NE¼NE¼.

This pipeline will convey natural gas across 2.043 miles of public land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Richard Bastin,

Associate District Manager, Roswell District.

[FR Doc. 82–9423 Filed 4–7–82; 8:45 am]

BILLING CODE 4310–84–M

[NM 52117]

New Mexico; Application

March 30, 1982.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for a 10-inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 5 S., R. 24 E.,
Section 34: NE¼SW¼, S½SW¼, N½SE¼.
Section 35: S½NE¼, N½SW¼, NW¼SE¼.
T. 5 S., R. 25 E.,
Section 31: Lots 3, 4.

This pipeline will convey natural gas across 2.517 miles of public land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Richard Bastin,

Associate District Manager, Roswell District.

[FR Doc. 82-9424 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-84-M

[NM 52116]

New Mexico; Application

March 30, 1982.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for a 10-inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 5 S., R. 24 E.,
Section 15: SW¼NE¼, NW¼SW¼;
Section 22: E½NE¼;
Section 23: SW¼NW¼, N½SW¼.

This pipeline will convey natural gas across 1.479 miles of public land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Richard Bastin,

Associate District Manager, Roswell District.

[FR Doc. 82-9425 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-84-M

[NM 52115]

New Mexico; Application

March 30, 1982.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for a 10-inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 7 S., R. 25 E.,
Section 34: S½NE¼, E½SW¼, NW¼SE¼.
T. 8 S., R. 25 E.,
Section 3: Lot 3, SE¼NW¼, N½SW¼, SW¼SW¼;
Section 10: W½NW¼, NW¼SW¼.

This pipeline will convey natural gas across 2,529 miles of public land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Richard Bastin,

Associate District Manager, Roswell District.

[FR Doc. 82-9426 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-84-M

[NM 52113]

New Mexico; Application

March 30, 1982.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for a 10-inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 7 S., R. 25 E.,
Section 10: SE¼NE¼, N½SE¼.

This pipeline will convey natural gas across 0.400 miles of public land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the Distict Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Richard Bastin,

Asasociate District Manager, Roswell District.

[FR Doc. 82-9427 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-84-M

[NM 52114]

New Mexico; Application

March 30, 1982.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for a 10-inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 7 S., R. 25 E.,
Section 9: N½SE¼;
Section 10: N½SW¼, NW¼SE¼.

This pipeline will convey natural gas across 1.196 miles of public land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Richard Bastin,

Associate District Manager, Roswell District.

[FR Doc. 82-9428 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-84-M

Review of the San Gorgonia Wind Energy Resources Study EIR/EIS: Open House

Notice is hereby given that an Open House will be held on April 23, 1982, in Palm Springs, California, to provide interested people the opportunity to review the San Gorgonio Wind Energy Resources Study EIR/EIS and express any concerns, suggestions, or viewpoints they may have. The Open House will be held from 1:00 p.m. to 4:00 p.m. and 5:00 p.m. to 9:00 p.m. at the J.C. Frey Building at 1911 E. Baristo, Palm Springs.

For further information contact Bill Payne, EIS Project Coordinator, (916) 484-4541.

Dated: April 1, 1982.

Judith Kammins Albietz,

Project Officer.

[FR Doc. 82-9420 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-84-M

[W-020621, W-0220465, W-0304203, W-24205, W-24993]

Wyoming; Termination of Classifications

Correction

In FR Doc. 82-8128, appearing on page 13052 in the issue of Friday, March 26, 1982, make the following correction.

In the first column, the third line from the bottom of the page reading:

"S¼SE¼, SW¼;"

should read:

"S½SE¼, SW¼;".

BILLING CODE 1505-01-M

Bureau of Land Management

Livestock Grazing On Public Lands; Schedule of Fees, 1982

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of livestock grazing fees for the 1982 fee year.

SUMMARY: Pursuant to the authority vested in the Secretary of the Interior, notice is hereby given of the schedule of fees for the 1982 fee year beginning March 1, 1982, and ending February 28, 1983, for livestock grazing on the public lands under the administration of the Bureau of Land Management.

For the purpose of establishing charges, one animal unit month (AUM) shall be considered equivalent to grazing use by one cow, five sheep, or one horse for one month.

Pursuant to Department regulations (43 CFR 4130.5-1(a)), as published January 10, 1979 (44 FR 2173), fees on all public lands administered by the Bureau of Land Management shall be $1.86 per AUM.

Bills shall be issued in accordance with the rates prescribed in this notice.

EFFECTIVE DATE: March 1, 1982.

ADDRESS: Any suggestions or inquiries should be sent to: Director (220), Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Judy Nelson, (202) 653-9210.

April 5, 1982.

Frank A. DuBois,

Deputy Assistant Secretary of the Interior.

[FR Doc. 82-9536 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-84-M

Spokane District: Areas of Critical Environmental Concern; Correction

In FR Doc. 82-5013 appearing at page 8252 in the issue of Thursday, February 25, 1982, make the following change:

On page 8252, left column, under T. 11 N., R. 31 E., in Sec. 34, "NW¼, SE¼, * * *" should have read "NW¼, SW¼, * * *".

Albert L. Martin,

Acting District Manager.

[FR Doc. 82-9489 Filed 4-8-82; 8:45 am]

BILLING CODE 4310-84-M

Vale District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Vale District Grazing Advisory Board will be held May 4, 1982.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office at 365 "A" Street West, Vale, Oregon 97918.

Agenda items scheduled for Advisory Board action: (1) range maintenance policy, (2) shifting livestock use between allotments, (3) Southern Resource Area water developments, and (4) free use permit applications.

The Board will also receive briefings on the Bureau's selective range management policy and the District's planning and environmental impact statement schedules.

The meeting is open to the public. Interested persons may make oral statements to the Board or may file written statements for the Board's consideration. Anyone wishing to make oral statements may so so at 3:30 p.m. the day of the meeting.

Summary minutes of the Board meeting will be maintained in the District office and be available during regular business hours for public inspection, for the cost of duplication, within 30 days following the meeting.

David Lodzinski,

Acting District Manager.

[FR Doc. 82-9490 Filed 4-8-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

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 South Timbalier Block 54 Field Unit Blocks ST 54 and ST 67 Federal Unit Agreement No. 14-08-001-3444, submitted on March 26, 1982, a proposed revised annual plan of development/production describing the activities it proposes to conduct on the South Timbalier Block 54 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: April 1, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-9429 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Pennzoil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3500, Block 253, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the 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 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 30, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-9430 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that SONAT Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 2038 and 3537, Blocks 231 and 232, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 1, 1982.

Lowell G. Hammons,

Minerals Manager.

[FR Doc. 82-9431 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1031, Block 253, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 30, 1982.

Lowell G. Hammons,

Minerals Manager Gulf of Mexico OCS Region.

[FR Doc. 82-9432 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-3-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Exxon Company U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 3091, 3096, and 4139, Blocks 632, 656, and 657, Matagorda Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 2, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-9491 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Marathon Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4895, Block 85, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 2, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-9492 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Management of U.S. Highway 209, Within Delaware Water Gap National Recreation Area, Monroe and Pike Counties, Pennsylvania; Availability of Draft Environmental Impact Statement and Public Meetings

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a draft environmental impact statement for the proposed plan for management of U.S. Highway 209, within the National Recreation Area. The proposal would totally restrict commercial truck traffic. The alternatives considered are: No Action—or minimum NPS management enforcing existing speed limits; reduce speed limits; exclude trucks during daylight hours; and exclude trucks during seasonal periods.

Public reading copies will be available for review at the following locations:

Office of Public Affairs, Department of the Interior, National Park Service, 18th & C Streets NW., Washington, D.C. 20240, (Telephone (202) 343–6843)

Associate Regional Director, Planning and Resource Preservation, Department of the Interior, National Park Service, Mid-Atlantic Region, 143 South Third Street, Philadelphia, Pennsylvania 19106, (Telephone (215) 597–7097)

Superintendent, Delaware Wate Gap National Recreation Area, Bushkill, Pennsylvania 18324, (Telephone (717) 588–6637)

Three public meetings will be held in the vicinity of the National Recreation Area as part of the draft environmental impact statement review period. The meetings will be held at the following times and locations:

Tuesday, April 27, 1982 at 7:30 p.m., Pike County Courthouse, Milford, Pennsylvania

Wednesday, April 28, 1982 at 7:30 p.m., Monroe County Courthouse, Stroudsburg, Pennsylvania

Thursday, April 29, 1982 at 7:30 p.m., Sussex County Courthouse, Newton, New Jersey

Comments on the draft environmental impact statement are invited from all interested parties and should be forwarded to the following official no later than 60 days from the date of this notice: Amos Hawkins, Superintendent, Delaware Water Gap National Recreation Area, Bushkill, Pennsylvania 18324, Telephone (717) 588–6637.

Dated: March 30, 1982.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region, National Park Service.

[FR Doc. 82-9518 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Permanent Authority Decision Volume No. OP3-052]

Motor Carrier Permanent Authority Decisions; Republications of Grants of Operating Rights

Authority Prior to Certification

The following grants of operating rights authorities are prepublished by order of the Commission to indicate a broaden grant of authority over that previously noticed in the **Federal Register**.

An orignal and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 145555 (Sub-1) (republication), filed September 29, 1981, published in the **Federal Register** issue of October 14, 1981, and published this issue. Applicant: WALKER'S INC., Route 1, Box 86, Greenville, FL. Representative: SOL H. PROCTOR, 1101 Blackstone Bldg., Jacksonville, FL. A decision by the Commission, Review Board 3, decided February 3, 1982, and served March 9, 1982, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, irregular routes transporting *farm supplies*, and *building materials*, between points in Louisiana, Texas, and Arkansas, and those in the United States on the east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN to international boundary line between the United States and: That applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-9447 Filed 4-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: March 26, 1982.

Crete Carrier Corporation (No. MC-126118), Shaffer Trucking, Inc. (No. MC-114569), and Sunflower Carrier, Inc. (No. MC-150592), under common control, petition for waiver of paragraph (a) of § 1057.41 of the *Lease and Interchange of Vehicles* Regulations (49 CFR Part 1057) which prohibits motor common carriers from leasing equipment without drivers to shippers except where the equipment is to be used in the exempt distribution of newspapers or within the confines of a commercial zone.

Findings

1. Petitioners are under common control and regularly serve the shipper to which they propose to lease their equipment if waiver is granted.

2. Petitioners lease equipment among themselves.

3. The purpose of paragraph (a) of § 1057.41, is to prevent the opportunity for circumvention and evasion as well as the potential for granting illegal concessions. Ex Parte No. MC-43, *Lease and Interchange of Vehicles by Motor Carriers*, 52 M.C.C. 675, 725, 726 (1951).

4. Petitioners have presented no evidence which would indicate that the purpose of the regulation is not applicable to the leasing proposed.

5. The fact that petitioners are authorized to provide the service for which shipper proposes to lease their equipment and to perform develops an environment for possible unlawful concession.

It is ordered:

That the petition of Crete Carrier Corporation (No. MC-126118), Shaffer Trucking, Inc. (No. MC-114569), and Sunflower Carriers, Inc. (No. MC-150592) is denied.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-9443 Filed 4-7-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-55

Decided: March 24, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC-730 (Sub-528), filed March 16, 1982. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: Robert H. Cleveland (same address as applicant), (415) 944-7261. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Minnesota Mining and Manufacturing Company (3M), of St. Paul, MN.

MC 15770 (Sub-7), filed March 19, 1982. Applicant: CALORE FREIGHT SYSTEM, INC., Second St., High Spire, PA 17034. Representative: Joseph M. Klements, 89 State St., Boston, MA 02109. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in VA, TN, GA, SC, NC and FL.

Note.—Applicant intends to tack the authority sought with its existing irregular route authority.

MC 33970 (Sub-28), filed March 16, 1982. Applicant: GEORGE HILDEBRANT, INC., R.D. No. 4, Hudson, NY 12534. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 836-1144. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Union Camp Corp., of Wayne, NJ.

MC 109490 (Sub-27), filed March 19, 1982. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 97, Union Center, WI 53967. Representative: Ronald E. Laitsch, 108 S. Second St., Watertown, WI 53094, (414) 261-9725. Transporting (1) *lawn and garden fertilizer*, and (2) *ice melter*, between points in Vernon County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 116881 (Sub-8), filed March 19, 1982. Applicant: C. H. MILLER, d.b.a. C. H. MILLER TRANSPORTATION, P.O. Box 1776, Oroville, CA 95965. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882-5649. Transporting

construction materials, equipment and supplies, lumber and wood products, metal products, and machinery, between points in CA, OR, NV, AZ, WA, ID, WY, MT, UT, NM, TX and OK.

MC 120761 (Sub-78), filed March 16, 1982. Applicant: NEWMAN BROS. TRUCKING COMPANY, P.O. Box 18728, Fort Worth, TX 76118. Representative: Clint Oldham, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332–4415. Transporting *general commodities (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).*

MC 135340 (Sub-5), filed March 19, 1982. Applicant: C. A. WALKER TRUCK LINES, INC., 1518 N. Santa Fe, Chillicothe, IL 61523. Representative: Michael F. Sheehan, 29 So. LaSalle St., Suite 830, Chicago, IL 60603, (312)–236–5610. Transporting (1) *commodities in bulk;* (2) *chemicals and related products;* (3) *metal products;* and (4) *machinery,* between points in IL, IA, MI, MN, WI, OH, KS, MO, TX, AR, LA, TN, KY, OK, FL, GA, VA, WV, MD, AL, NE, MS, NC, SC, ND, SD, CO, IN, PA, NM and CA.

MC 140441 (Sub-3), filed March 17, 1982. Applicant: LAMAR M. LEIBY, P.O. Box 163, R.D. #2, New Ringgold, PA 17960. Representative: Joseph A. Bubba, 740 Hamilton Mall, Allentown, PA 18101, (215) 439–1451. Transporting (1) *coal and coal products,* between points in Carbon, Columbia, Lackawanna, Luzerne, Northumberland, and Schuylkill Counties, PA, on the one hand, and, on the other, points in ME, CT, MA, VT, NH, RI, NY, OH, IN, NJ, DE, VA, MD, WV, and DC, and (2) *sand and stone products,* between points in Berks, Carbon and Schuylkill Counties, PA, on the one hand, and, on the other, points in MD, NY, NJ, OH, and IN.

MC 140950 (Sub-6), filed March 8, 1982. Applicant: BROOKVILLE TRANSPORT, LIMITED, 1170 Old Rothesay Road, St. John, New Brunswick, Canada. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04102, (207) 773–5651. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with United Liquors, Ltd., of W. Roxbury, MA, Alliance Shippers, Inc., of Willow Springs, IL, All Brand Importers, Inc., of Lake Success, NY, and Willett Foods, Limited, and Leonard and MacDonald, Ltd., both of St. John, New Brunswick, Canada.

MC 140011 (Sub-5), filed March 16, 1982. Applicant: LEISURE TIME TOURS, INC., 4 Houvenkopf Rd., P.O. Box 587, Mahwah, NJ 07430. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212)–838–0600. Transporting *passengers and their baggage,* in charter and special operations beginning and ending at points in NJ, and Rockland and Orange Counties, NY, and extending to points in the U.S. (except AK and HI).

MC 143061 (Sub-22), filed March 17, 1982. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant), (919) 623–9106. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 144011 (Sub-10), filed March 16, 1982. Applicant: HALLS SYSTEMS, INC., 214 South 10th St., Birmingham, AL 35233. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–5223. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), serving points in AL, GA, FL, LA, and MS, as off-route points in connection with applicant's otherwise authorized regular-route operations in MC–144011 (Subs 5, 6, and 8X).

MC 146820 (Sub-19), filed March 16, 1982. Applicant: B & G TRUCKING, INC., P.O. Box 581, 579 N. High St., Worthington, OH 43085. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Midwest Polychem, Ltd., of Chicago, IL.

MC 148151 (Sub-6), filed March 16, 1982. Applicant: RAY BELLEW & SONS, INC., 7810 Almeda Genoa Road, Houston, TX 77034. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024, (713) 827–1407. Transporting *Mercer commodities,* between Los Angeles, CA, and points in TX, on the one hand, and, on the other, points in CO, WY, MT, SD, ND, and UT.

MC 148290 (Sub-1), filed March 19, 1982. Applicant: CHESTER L. BYRD, P.O. Box 8, Broadway, NC 27505. Representative: John M. Ballenger, 6121 Lincolnia Road, Alexandria, VA 22312, (703) 750–1112. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Lee, Harnett and Moore Counties, NC, and extending to points in the U.S. (including AK, but excluding HI).

MC 148620 (Sub-16), filed March 15, 1982. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., N.E., Atlanta, GA 30043, (404) 658–8045. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in the U.S. (except AK and HI), under continuing contract(s) with General Foods Corporation, of White Plains, NY, and its subsidiaries Oscar Mayer and Co. Inc., of Madison, WI, and General Foods Manufacturing Corporation and Birds Eye, Inc., both of White Plains, NY.

MC 149400 (Sub-2), filed March 18, 1982. Applicant: BICENTENNIAL TRANSPORT, INC., 250 South Kesson Street, Baltimore, MD 21224. Representative: Edward J. Kiley, 1730 M Street NW., Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in MO, on the one hand, and, on the other, points in MI, MD, KS, and IA.

MC 150961, filed March 15, 1982. Applicant: NHT, INC., 820 Live Oak Plantation, Talahassee, FL. Representative: Lawrence E. Linedman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703)–751–2441. Transporting *food and related products,* between points in the U.S. (except AK and HI), under a continuing contract(s) with Harris Teeter Super Markets, Inc., of Charlotte, NC.

MC 151171 (Sub-1), filed March 3, 1982. Applicant: CIRCLE DELIVERY SERVICE, INC., P.O. Box 888, Gallatin, TN 37066. Representative: Warren A. Goff, 109 Madison Avenue, Memphis, TN 38103, (901) 767–5600. *Over regular routes,* transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (1) between Memphis, TN, and Green Bay, WI, (a) from Memphis, TN, over Interstate Hwy 55 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction IL Hwy 176, then over IL Hwy 176 to junction IL Hwy 32, then over IL Hwy 32 to the IL–WI state line, then over WI Hwy 32 to junction Interstate Hwy 43 and U.S. Hwy 141, then over Interstate Hwy 43 and U.S. Hwy 141 to Green Bay, WI, and return over the same route, and (b) from

Memphis, TN, over Interstate Hwy 55 to junction Interstate Hwy 57, then over Interstate Hwy 57 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction IL Hwy 31, then over IL Hwy 31 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction U.S. Hwy 151, then over U.S. Hwy 151 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Green Bay, WI, and return over the same route, (2) between junction Interstate Hwys 90 and 94 and junction Interstate Hwy 94 and U.S. Hwy 41, over Interstate Hwy 94, (3) between junction WI Hwy 16 and Interstate Hwy 94 and junction WI Hwys 49 and 23, from junction WI Hwy 16 and Interstate Hwy 94 over WI Hwy 16 to junction WI Hwy 26, then over WI Hwy 26 to junction WI Hwy 49, then over WI Hwy 49 to junction WI Hwy 23, and return over the same route, (4) between junction Interstate Hwy 94 and U.S. Hwy 45 and junction U.S. Hwys 41 and 10, from junction Intereste Hwy 94 and U.S. Hwy 45 over U.S. Hwys 45 and 41 to junction U.S. Hwy 10, and return over the same route, (5) between junction U.S. Hwys 45 and 12 and junction U.S. Hwy 12 and Interstate Hwy 90, over U.S. Hwy 12, (6) between junction U.S. Hwys 45 and 14 and junction U.S. Hwy 14 and Interstate Hwy 90, over U.S. Hwy 14, (7) between junction WI Hwys 32 and 57 and junction WI Hwy 57 and U.S. Hwy 41, over WI Hwy 57, (8) between junction WI Hwy 42 and U.S. Hwy 151 and junction U.S. Hwys 151 and 45, over U.S. Hwy 151, (9) between junction Interstate Hwy 90 and WI Hwy 15 and junction WI Hwy 15 and Interstate Hwy 94, over WI Hwy 15, and (10) between Memphis, TN, and junction Interstate Hwys 65 and 94, from Memphis, TN over Interstate Hwy 40 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction Interstate Hwy 94, and return over the same route, serving all intermediate points and serving those in Shelby County, TN and Brown, Kewaunee, Manitowoc, Calumet, Winnebago, Shawano, Menominee, Oconto, Marinette and Door Counties, WI, as off-route points in connection with routes (1) to (10) above.

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 152140 (Sub-1), filed March 11, 1982. Applicant: GRIMES TRUCKING COMPANY, INC., 600 North Ellis Road, Jacksonville, FL 32205. Representative: A. M. Downey, Jr., P.O. Box 52267, Jacksonville, FL 32201, (904) 355–4700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Duval, Baker, Nassau, Union, Bradford, Alachua, Marion, Lake, Orange, Seminole, Osceola, Brevard, Volusia, Flagler, Putnam, St. Johns, Clay, Palm Beach, Broward, Dade, Pinellas, Hillsborough, Polk and Columbia Counties, FL.

MC 152320 (Sub-2), filed March 8, 1982. Applicant: VERSPEETEN CARTAGE LIMITED, 67 Dalton Road, Delhi, Ontario, Canada N4B 1B4. Representative: Neill T. Riddell, 900 Guardian Bldg., Detroit, MI 48226, (313) 963–3750. Transporting *clay, concrete, glass or stone products, metal products, and machinery,* between points in the U.S. (except AK and HI), under continuing contract(s) with Flo-Con Canada, Inc., of Tillsonburg, Ontario, Canada.

MC 152620 (Sub-9), filed March 19, 1982. Applicant: CUSTOMIZED TRANSPORTATION, INC., P.O. Box 40083, Jacksonville, FL 32203. Representative: John W. Carter (same address as applicant), (904)–733–6011. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with General Foods Corporation, of White Plains, NY.

MC 154540, filed March 15, 1982. Applicant: FREEDOM FREIGHT SYSTEM, INC., 1797 Florida St., Memphis, TN 38109. Representative: Thomas A. Stroud, 109 Madison Ave., Memphis, TN 38103, (901) 526–2900. Transporting (1) *printed matter,* and (2) *such commodities* as are dealt in by wholesale and retail department and hardware stores, between Indianapolis, IN, Chicago, IL, Dallas, TX, Los Angeles, CA, Jersey City, NJ, Charlotte, NC, Atlanta, GA, Kansas City, MO, and points in TN and MS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 154630, filed March 19, 1982. Applicant: S.J.K. ASSOCIATES, INC., P.O. Box 1430, Toms River, NJ 08753. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. Transporting *hazardous wastes,* between points in NJ, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR and LA. Condition: To the extent that the certificate in this proceeding authorizes the transporting of hazardous wastes, it will expire 5 years from the date of issuance.

MC 154861 (Sub-8), filed March 12, 1982. Applicant: CAROLINA MOTOR EXPRESS, INC., P.O. Box 550, Forest City, NC 28043. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW., Washington, DC 20005, (202) 347–9332. Transporting *food and related products,* between the facilities of John Morrell & Co., at points in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157430 (Sub–2), filed March 15, 1982. Applicant: G.T. & T. TRANSPORTATION, INC., 280 Henderson St., Store No. 9, Jersey City, NJ 07302. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, (212)–263–2078. Transporting *general commodities* (except classes A and B explosives and household goods), between New York, NY, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, NE, NH, NJ, NM, NV, NY, OH, OK, OR, PA, RI, SC, TN, TX, VA, VT, WA, WI, WV and DC.

MC 158491, filed March 19, 1982. Applicant: R. D. WEST d.b.a. R. D. WEST TRUCKING COMPANY, Star Route 1, Box 160–A, Coulee City, WA 99115. Representative: R. D. West (same address as applicant), (509) 632–5365. Transporting *iron and steel articles, lumber and lumber products, and building materials,* between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

MC 159301 (Sub–1), filed March 16, 1982. Applicant: EMPLOYEE TRANSFER CORPORATION, 20 North Wacker Drive, Chicago, IL 60606. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036, (202)–785–0024. As a *broker* in arranging for the transportation of *household goods,* between points in the U.S. (except AK and HI).

MC 159431, filed March 8, 1982. Applicant: MELVIN L. LYNCH, d.b.a. LYNCH MOVERS, 220 S. Main St., Wauconda, IL 60084. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. Transporting *furniture and fixtures and electrical machinery,* between points in the U.S. (except AK and HI), under continuing contract(s) with Gulbransen Co., Division of CBS Musical Instruments, of Deerfield, IL.

MC 159781 (Sub–1), filed March 16, 1982. Applicant: WESTPOINT PEPPERELL TRANSPORTATION COMPANY, P.O. Box 71, West Point, GA 31833. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, D.C. 20036, (202) 457–1100. Transportation (1) *frozen vegetables nd frozen fruits,* (2) *general commodities* (except classes A and B explosives,

household goods, and commodities in bulk in tank vehicles), and (3) *plastic products*, between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Morco Food Distributors, of Jackson, MS in (1) above, (b) Owens-Illinois, Inc., of Toledo, OH, and United Forwarding, Inc., of Omaha, NE in (2) above, and (c) Letica Corporation of Alabama, of Lanett, AL, in (3) above.

MC 160060, filed March 16, 1982. Applicant: W.R. TRUCKING, INC., 4781 Austin Road, Geneva on the Lake, OH 44047. Representative: Lewis S. Witherspoon, 2455 North Star Road, Columbus, OH 43221, (614) 486–0448. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI), under continuing contract(s) with By-Products Management of Ohio, Inc., of Cleveland, OH.

MC 161000, filed March 12, 1982. Applicant: PATRICIA A. ETTER AND BETTIE E. COULTER d.b.a. C&E TRANSPORTATION, 24280 Ave. 95, Terra Bella, CA 93270. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting (1) *lumber and wood products* between points in Tulare County, CA, on the one hand, and, on the other, points in AZ, NM, and TX, and (2) *Mercer commodities* between points in Angelina, Gillespie and Harris Counties, TX, on the one hand, and, on the other, points in Kern County, CA.

MC 161030, filed March 16, 1982. Applicant: TRAVELINES, INC., 2415 Inter Avenue, SE, Puyallup, WA 98371. Representative: Richard D. Hansen (same address as applicant), (206) 848–4198. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in King, Pierce, Snohomish, Island, Skagit, Thurston, Kitsap, Grays Harbor and Lewis Counties, WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161041, filed March 16, 1982. Applicant: TRI PEAK TRANSPORTATION, INC., 3060 Hoskinini Circle, Prescott, AZ 86301. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting (1) *crushed tuff*, between points in Yavapai and Maricopa Counties, AZ, on the one hand, and, on the other, points in CA, CO, ID, MT, NM, NV, OR, UT, WA, WY, TX and OK, and (2) *such commodities* as are dealt in or used by retail and wholesale grocery stores, between points in Maricopa County, AZ, on the one hand, and, on the other, points in CA, UT, CO and ID.

MC 161051, filed March 16, 1982. Applicant: NOWELL TRUCKING CO., INC., 1106 Thomwall St., Valdosa, GA 31601. Representative: H. Arthur McLane, P.O. Box 921, 504 North Patterson St., Valdosta, GA 31601, (912) 244–6721. Transporting *beer*, between points in Duval County, FL, on the one hand, and, on the other, points in GA.

MC 161060, filed March 16, 1982. Applicant: MARTIN L. BEVING, d.b.a. BEVING TRUCKING, RR 1, Box 25, Clark, SD 57225. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101–1103, (605) 335–1777. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Chef-Reddy Foods Corporation, of Othello, WA.

MC 161071, filed March 17, 1982. Applicant: WARLICK'S, INC., P.O. Box 579, Boonville, NC 27011. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. Transporting *lumber and wood products and furniture and fixtures*, between points in the U.S. (except AK and HI), under continuing contract(s) with United Face Veneer Company, Inc., of Mocksville, NC.

MC 161080, filed March 17, 1982. Applicant: ELMER STEALY, 18118 C.R. 22, R. 1, Goshen, IN 46526. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036–5391, (202)–887–5868. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Dairy Farm Products Co., of Goshen, IN.

MC 161090, filed March 18, 1982. Applicant: SPIRIT OF AMERICA TOURS, INC., 816 East Cherry St., P.O. Box 117, Olney, IL 62450. Representative: O. E. "Gene" Strain (same as address as applicant), (618)–395–7000. As a *broker* at Olney, IL, of *passengers and their baggage*, between points in the U.S. (except AK and HI).

MC 161110, filed March 19, 1982. Applicant: GROSS TRANSPORATION CORPORATION, 201 Bay Ave., Elizabeth, NJ 07201. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, (201)–322–5030. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of hospital and health care products, between points in the U.S. (except AK and HI), under continuing contract(s) with C. R. Bard, Inc., of Murray Hill, NJ.

Volume No. OP1–57

Decided: March 30, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2860 (Sub-223), filed March 25, 1982. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Peter J. Nickles, 1201 Pennsylvania Ave., NW., P.O. Box 7566, Washington, DC 20044, (202)–662–5394. Transporting *such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses, between points in the U.S. under continuing contract(s) with General Foods Corporation, of White Plains, NY, and its subsidiaries, General Foods Manufacturing Corporation and Birds Eye, Inc., of White Plains, NY and Oscar Mayer and Co., of Madison, WI.

MC 55891 (Sub-9), filed March 23, 1982. Applicant: JIM MARRS TRUCKING CO., INC., P.O. Box 632, Drumright, OK 74030. Representative: J. Michael Alexander, 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237–2385, (214) 339–4108. Transporting *Mercer commodities*, between points in MT, WY, UT, CO, NM, ND, SD, NE, KS, OK, TX, LA, MS, AR, MO, IA and IL.

MC 129660 (Sub-13), filed March 18, 1982. Applicant: MALLETTE BROTHERS TRUCK LINE, INC., 3708 Highway 90, Gautier, MS 39553. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in Hancock County, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *metal products and machinery*, between points in Jackson County, MS, on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MO, NJ, NY, NC, OH, PA, SC, TN, TX, VA, WV, and WI.

MC 135861 (Sub-103), filed March 18, 1982. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Tarkett, Inc., of Parsippany, NJ, Anatec Image, Inc. and Azalid Corporation, both of Binghampton, NY.

MC 135900 (Sub-4), filed March 16, 1982. Applicant: J. F. PIERCE & ASSOCIATES, 1518 117th Dr. S.E., Lake Stevens, WA 98258. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321,

Renton, WA 98055–3273, (206) 235–1111. Transporting *pipe, pipe fittings, beams, and castings,* between points in WA, OR, CA, ID, MT, ND, WY, UT, and CO.

MC 142140 (Sub-7), filed March 19, 1982. Applicant: CITY TRANSFER AND STORAGE OF CONRAD, INC., 111 No. Delaware, Box 1432, Conrad, MT 59425. Representative: Eugene D. Riewer, (same address as applicant), (1–406–278–5923). Transporting *dry fertilizer,* between points in MT.

MC 145011 (Sub-16), filed March 23, 1982. Applicant: R. F. WESTBURY, P.O. Box 498, Sandston, VA 23150. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk) between points in the U.S. (except AK and HI), under continuing contract(s) with Virginia Chemicals, Inc., of Dallas, TX.

MC 146251 (Sub-1), filed March 25, 1982. Applicant: CLAXTON TRANSPORT, INC., Route 3, Box 135; Wrightsville, GA 31096. Representative: Ronald K. Kolins, Suite 3100, One IBM Plaza, Chicago, IL 60611. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of malt beverages, between Longview, TX, Memphis, TN, Milwaukee, WI, Tampa, FL and Winston-Salem, NC, on the one hand, and, on the other, points in AR, AL, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, ME, MD, MI, MN, MO, MS, MT, NC, ND, NV, NH, NJ, NM, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, WV, WY and DC.

MC 147021 (Sub-9), filed March 5, 1982. Applicant: C. SUMMERS, INC., 112 Spruce St., Elizabethville, PA 17023. Representative: Daniel W. Krane, P.O. Box E, Shiremanstown, PA 17011, (717) 232–8324. Transporting (1) *food and related products,* between the facilities of Bunge-Edible Oil Corporation, at points in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *rubber and plastic products,* (a) between the facilities of Graham Container Corporation, at points in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI), and (b) between points in York County, PA, on the one hand, and, on the other, points in Dane County, WI, (3) *such commodities* as are dealt in or used by chain grocery and food business houses, between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX, (4) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Northumberland County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (5) *chemicals and related products,* between points in DC, Lycoming County, PA, and Lake County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148401 (Sub-5), filed March 23, 1982. Applicant: GREENLEAF INDUSTRIES, INC., d.b.a. GREENLEAF TRANSPORTATION, INC., 1150 Sunnyhills Ave., Brea, CA 92621. Representative: Henry F. Johnson (same address as applicant), (213) 721–9200. Transporting *such commodities* as are dealt in by wholesale and retail grocery, food business houses, discount or variety stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Associated Grocers, of Phoenix, AR, and Ralphs Grocery Company of Compton, CA.

MC 148931 (Sub-1), filed March 23, 1982. Applicant: GERLAD L. BETTS, d.b.a. BETTS TRUCKING, 2229 17th Ave., Central City, NE 68826. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, (402) 488–4841. Transporting *fertilizer,* between points in Eddy County, NM, on the one hand, and, on the other, points in Merrick and Platte Counties, NE.

MC 150051 (Sub-3), filed March 22, 1982. Applicant: MAX W. BAY, d.b.a. MAX W. BAY TRUCKING, P.O. Box 47, Northrop, MN 56075. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *machinery,* between points in the U.S. (except AK and HI), under continuing contract(s) with Alloy Hardfacing & Engineering Co., Inc. of Minneapolis, MN.

MC 152640 (Sub-3), filed March 17, 1982. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Highway, Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005, (202) 296–3555. Transporting *such commodities* as are dealt in and distributed by retail department stores and chain stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Nike, Inc., of Beaverton, OR.

MC 154861 (Sub-9), filed March 23, 1982. Applicant: CAROLINA MOTOR EXPRESS, INC., P.O. Box 550, Forest City, NC 28043. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW., Washington, DC 20005, (202) 347–9332. Transporting *food and related products,* between points in MO, Independence County, AR, and Stanislaus and Merced Counties, CA, on the other hand, and, on the other, points in the U.S. (except AK and HI).

MC 155840, filed March 22, 1982. Applicant: FRED BURHANS d.b.a., BURHANS TRUCKING, 4641 Fircroft, Covins, CA 91722. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017, (213) 483–4700. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Estech General Chemical Corporation, of East St. Louis, IL.

MC 156610 (Sub-1), filed March 22, 1982. Applicant: WILLIAMS INDUSTRIAL TRANSPORTATION, INC., 4334 Hull St., Indianapolis, IN 46226. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *automotive parts and scrap aluminum,* between points in IN, MO, AL, and MS.

MC 157491, filed March 5, 1982. Applicant: LINDAMOOD ENTERPRISES, INC., P.O. Box 392, 3307 Mable Drive, Canyon, TX 79015. Representative: J. William Cain, Jr., 2001 Massachusetts Avenue, N.W., Washington, DC 20036, (202) 387–1021. Transporting *new or used automobiles,* between points in the U.S. (except AK and HI).

MC 158740, filed March 22, 1982. Applicant: FIRST PIEDMONT CORPORATION, P.O. Drawer 1069, Chatham, VA 24531. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *waste materials,* between points in AL, AR, GA, KY, LA, MD, MS, NC, OH, PA, SC, TN, VA, and WV.

MC 161040, filed March 16, 1982. Applicant: RUTH WILSON, d.b.a. ACTIVE PEOPLES TOURS, 374 Villanova Ave., Wenonah, NJ 08090. Representative: Ruth Wilson (same address as applicant) (609) 468–0363. As a *broker* at Wenonah, NJ, in arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, beginning and ending at Deptford Township, Gloucester County, NJ, and extending to points in NJ, PA, and DE.

MC 161121, filed March 22, 1982. Applicant: LIQUID CARRIERS INCORPORATED, 151 Second St., Akron, IA 51101. Representative: D. Douglas Titus, 340 Insurance Exchange Bldg., Sioux City, IA 51101, (712) 277–1434. Transporting *chemicals and related products,* between points in IL, IN, IA, KS, MN, MO, NE, ND, OH, and SD.

MC 161130, filed March 22, 1982. Applicant: R. J. MACDONALD CONTRACTING & ENGINEERING SERVICES, INC., 62 Cynthia Drive, Raynham, MA 02767. Representative: Steven G. Macdonald (same address as applicant), (617)–823–6876. Transporting *bituminous concrete paving materials, sand, stone, fill, borrow, sandsalt mix, salt and gravel,* between points in Bristol and Norfolk Counties, MA, on the one hand, and, on the other, points in Newport, Bristol, Providence and Kent Counties, RI.

MC 161150, filed March 22, 1982. Applicant: THE CASTELLINI TRANSPORTATION CO., 2 Plum Street, Cincinnati, OH 45202. Representative: James W. Muldoon, 50 W. Broad Street, Columbus, OH 43215, (614) 464–4103. Transporting *such commodities* as are dealt in by wholesale and retail grocery and food business houses and drug and department stores, between points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MS, MO, NC, OH, PA, SC, TN, TX, VA, WV and WI.

MC 161171, filed March 23, 1982. Applicant: V. K. PUTMAN, 509 N. Grand, Bozeman, MT 59715. Representative: Jerome Anderson, 100 Transwestern I, Billings, MT 59101, (406) 248–2611. Transporting *metal products, rubber and plastic products, and adhesive cements,* between points in the U.S., under continuing contract(s) with U-Brand Corp., of Ashland, OH.

MC 161181, filed March 23, 1982. Applicant: JOHN HUIZINGA, d.b.a. J. HUIZINGA CARTAGE CO., 1612 South 60th Court, Cicero, IL 60650. Representative: John J. Huizinga (same address as applicant), (312)–927–1212. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, IA, MI, MN, MO, OH and WI.

Volume No. OP2–66

Decided: March 29, 1982.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 144953 (Sub-13), filed March 8, 1982. Applicant: MULLEN TRUCKING LTD., P.O. Box 87, Aldersyde, Alberta, Canada T0L 0A0. Representative: John T. Wirth, 2600 Petro-Lewis Tower, 717–17th St., Denver, CO 80202, 303–892–6700. Transporting *lumber and wood products,* between ports of entry on the international boundary line between the U.S. and Canada in WA, ID, MT, and ND, on the one hand, and, on the other, points in MN, WI, NE, ND, SD, KS, IA, IN, IL, OH, PA, and MO.

MC 146463 (Sub-4), filed February 3, 1982. Applicant: SLACK TRANSPORT LIMITED, Box 579, Caledonia, Ontario, CD N0A 1A0. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202, 716–853–0200. Transporting *lumber and wood products,* between points in AL, AR, CT, DE, FL, GA, IN, IA, IL, KY, LA, NE, MD, MA, MN, MS, TX, MO, NC, NH, NJ, NY, OH, PA, SC, TN, VA, VT, WV, and WI.

MC 147172 (Sub-1), filed March 4, 1982. Applicant: JARDINE TRANSPORT, LTD., 565 Priestman St., Fredericton, New Brunswick, Canada E3B 5A1. Representative: John F. O'Donnell, 60 Adams St. P.O. Box 238, Milton, MA 02187, (617) 696–7610. Transporting *lumber and wood products, between ports of entry on the International boundary line between the United States and Canada, at points in ME, MH, VT, NY and MI, on the one hand, and, on the other, points, in CT, DE, FL, GA, IN, KY, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT, WV, and DC. Condition: Issuance of this certificate is subject to prior or coincidental cancellation, at applicant's written request, of Certificate No. MC–147172, issued October 14, 1980.*

MC 147453 (Sub-1), filed February 4, 1982. Applicant: WESTRUX TIMBER TRANSIT, INC., 18726–56th Ave., Surrey, BC V3S 1G1. Representative: Edward A. Francom, P.O. Box 1970, Lake Oswego, OR 97034, 503–635–6766. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of building materials, machinery, clay, concrete, glass or stone products, and waste or scrap materials, between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

Volume No. OP4–122

Decided: April 2, 1982.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 41706 (Sub-27), filed March 25, 1982. Applicant: TOSE, INC., 424 West 4th St., Bridgeport, PA 19405. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., Suite 301, McLean, VA 22101, (703) 821–1305. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between Danbury, CT and Providence, RI, serving all intermediate points, and serving all points in CT and RI as off-route points: from Denbury over U.S. Hwy 202 to Avon, CT, then over U.S. Hwy 44 to Bolton, CT, then over U.S. Hwy 6 to Providence, RI; (2) between Lowell, MA and Lebanon, MH, serving all intermediate points, and serving all points in NH as off-route points: from Lowell over U.S. Hwy 3 to junction U.S. Hwy 202, then over U.S. Hwy 202 to junction Interstate Hwy 89, then over Interstate Hwy 89 to Lebanon, NH; (3) between Allentown, PA and the Washington, DC commercial zone, serving all intermediate points, and serving all points in PA and MD as off-route points: from Allentown over U.S. Hwy 222 to Lancaster, PA, then over U.S. Hwy 30 to Gettysburg, PA, then over U.S. Hwy 15 to Frederick, MD, then over Interstate Hwy 270 to junction Interstate Hwy 495, then over Interstate Hwy 495 to the Washington, DC commercial zone; (4) between Chester, PA and Baltimore, MD, serving all intermediate points, and serving all points in DE, MD and PA as off-route points: from Chester over Interstate Hwy 95 to Baltimore; (5) between Lee, MA and junction Interstate Hwys 90 and 87, serving all intermediate points: from Lee over U.S. Hwy 20 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction Interstate 87, at or near Selkirk, NY; and (6) between Liberty, NY and Binghamton, NY, serving all intermediate points: from Liberty over NY Hwy 17 to Binghamton. Note: Applicant intends to tack this authority with its presently authorized operations.

MC 60066 (Sub-37), filed March 25, 1982. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *automotive equipment,* between points in Greene County, AR and Hart County, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 75866 (Sub-6), filed March 26, 1982. Applicant: GOLDEN STRIP TRANSFER, INC., P.O. Box 458, Simpsonville, SC 29681. Representative: Joseph L. Steinfeld, Jr., Suite 1000, 1029 Vermont Ave., N.W., Washington, DC 20005, (202) 347–9332. Transporting *general commodities* (except classes A and B explosives and household goods), between points in NC, SC, GA, and TN.

MC 146456 (Sub-2), filed March 26, 1982. Applicant: HALLMARK TRUCKING, INC., P.O. Box 87, Locust Fork, AL 35097. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–5223. Transporting *coal,* between points in the U.S., under continuing contract(s) with Mining Ore & Equipment Company, of Birmingham, AL, and Hallmark & Son Coal Co., of Warrior, AL.

MC 145956 (Sub-11), filed March 26, 1982. Applicant: TRANSMEDIC CARRIERS, INC., 1340 Indian Rocks Rd., Belleair, FL 33516. Representative: Paul Meilleur (same address as applicant), (813) 585–7747. Transporting *blood, derivatives of blood, plasma, and medical and dental products,* between the facilities of Bio-Cell Laboratories, Inc., El Paso Biological, Inc., and Plasma Management, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP4–121

Decided: April 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 37216 (Sub-5), filed March 23, 1982. Applicant: M. H. WINN CO., 195 New Boston St., Woburn, MA 01801. Representative: Mary E. Kelley, 22 Stearns Ave., Medford, MA 02155, (617) 396–4090. Transporting *general commodities* (except Classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Digital Equipment Co., of Maynard, MA.

MC 120456 (Sub-7), filed March 25, 1982. Applicant: BOUMA CARTAGE CO., 146 Pleasant St., SW, Grand Rapids, MI 49503. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482–2400Transporting *furniture and fixtures,* between points in MI, IL, IN, OH, PA, NY, WI, MN, MA, NC, GA, FL and LA.

MC 126916 (Sub-2), filed March 23, 1982. Applicant: FUGAZY CONTINENTAL CORP. OF CONNECTICUT, 667 Madison Ave., New York, NY 10021. Representative: Arthur Wagner, 342 Madison Ave. New York, NY 10173, (212) 755–9500. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, between points in the U.S. under continuing contract(s) with Fugazy Travel & Incentive Corp., of New York, NY.

MC 133466 (Sub-5), filed March 23, 1982. Applicant: FORT CALHOUN EXPRESS, INC., 12th and Madison, Fort Calhourn, NE 68023. Representative: John Holloway (same address as applicant), (402) 468–5511. Transporting *pulp, paper and related products,* between Kansas City, KS, and Kansas City, MO, on the one hand, and, on the other, points in Douglas, Sarpy and Lancaster Counties, NE, and Mills County, IA.

MC 144076 (Sub-4), filed March 22, 1982. Applicant: SCHWINNEN GRAIN & TRUCKING, INC., R.F.D. No. 1, Venedocia, OH 45894. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481–8821. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Sharp Canning Company, Inc., of Rockford, OH.

MC 147236 (Sub-2), filed March 26, 1982. Applicant: KENYON TRUCKING, INC., P.O. Box 477, Mills, WY 82644. Representative: Nancy R. Beiter, 725 Eighth St., SE., Washington, DC 20003, (202) 546–8700. Transporting *Mercer commodities,* between points in AZ, CO, ID, MT, NV, NM, OK, TX, UT, and WY.

MC148456 (Sub-4), filed March 23, 1982. Applicant: MICHAEL MASTEL, d.b.a. MASTEL TRANSFER, Hazelton, ND 58544. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502–2056, (701) 223–5300. Transporting *metal products,* between Minneapolis, MN, on the one hand, and, on the other, points in ND, SD, MT, ID, and WY.

MC 149536 (Sub-5), filed March 23, 1982. Applicant: RODCO LEASING, INC., 380 Union St., W Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with The Miller Co., of Meriden, CT.

MC 158986 filed, March 23, 1982. Applicant: ABLE HOT SHOT & WELDING, INC., P.O. Box 1478, Mills, WY 82644. Representative: Daniel O Hands, 205 W Touht Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *oil field tools, equipment and supplies,* between points in the U.S. in and west of ND, SD, NE, KS, OK, TX and LA.

MC 159306, filed March 25, 1982. Applicant: EDWARD R. GILLIAM d.b.a. ROAD RUNNER STAGE LINE, 716 W 123rd St., Los Angeles, CA 90044. Representative: Fred H. Macensen, 2029 Century Park E, Suite 4150, Los Angeles, CA 90067, (213) 879–5955. Transporting *passengers and their baggage,* in charter operations, between points in Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160686, filed March 25, 1982. Applicant: VEE LINES, INC., 14467 Ravenna Rd., NewBury, OH 44065. Representative: Lewis S Witherspoon, 2455 N Star Rd., Columbus, OH 43221, (614) 486–0448. Transporting *commodities in bulk,* between points in the U.S., under continuing (s) with By-Products Management of Ohio, Inc., of Cleveland, OH.

Volume No. OP4–120

Decided: March 31, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 99657 (Sub-2), filed March 24, 1982. Applicant: BUNTING'S EXPRESS, INC., 52–54 Skokorat St., Syemour, CT 06483. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004, (202) 737–1030. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, NY, MA, and RI. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of certificate of Registration No. MC 99657 Sub 1.

MC 109847 (Sub-39), filed March 18, 1982. Applicant: BOSS-LINCO LINES, INC., 3090 Genesee St., Cheetowaga, NY 14225. Representative: Harold G. Hernly, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313, (703) 836–6115. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between Chicago, IL and IL-MO state line at East St. Louis, IL, from Chicago over Interstate Hwy 55 to junction Interstate Hwys 55 and 70, then over Interstate Hwys 55 and 70 to the IL-MO state line at East St. Louis, and return over the same route, (2) between junction Interstate Hwys 57 and 94 at or near Harvey, IL and the IL-MO state line, over Interstate Hwy 57, (3) between junction Interstate Hwys 64 and 65 at or near Cementville, IN and East St. Louis, over Interstate Hwy 64, (4) between junction Interstate Hwy 69 and Interstate Hwys 80 and 90 and Indianapolis, IN, over Interstate Hwy 69, (5) between junction Interstate Hwy 70 and Interstate Hwys 70 and 76, at or near Youngblood, PA and the IL-MO state line, fron junction Interstate Hwy 70 and Interstate Hwys 70 and 76, at or near Youngblood, over Interstate Hwy 70 to junction Interstate Hwy 70 and Interstate Hwys 55 and 70, then over Interstate Hwys 55 and 70 to the IL-MO state line, and return over the same route, (6) between Cleveland, OH and Cincinnati, OH, over Interstate Hwy 71, (7) between junction Interstate Hwys 72 and 74 at or near Urbana, IL and Springfield, IL, over Interstate Hwy 72, (8) between Cincinnati, OH and Moline, IL, at or near the IL-IA state line, over interstate Hwy 74, (9) between Cincinnati, OH and junction Interstate

Hwy 75 and Interstate Hwys 80 and 90, at or near Toledo, OH, over Interstate Hwy 75, (10) between Detroit, MI and Sault St. Marie, MI, over Interstate Hwy 75, (11) between the IL-IN state line at or near Hammond, IN and the IL-IA state line at or near East Moline, IL, over Interstate Hwy 80, (12) between junction Interstate Hwys 80 and 74 and the IL-IA state line, at or near Rock Island, IL, over Interstate Hwy 28, (13) between junction Interstate Hwys 71 and 270, at or near Columbus, OH and Ironton, OH, from junction Interstate Hwys 71 and 270, at or near Columbus over Interstate Hwy 270 to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Ironton, and return over the same route, (14) between junction IL Hwy 13 and Interstate Hwy 57 and junction IL Hwy 3 and Interstate Hwy 57, at or near Cairo, IL, from junction IL Hwy and Interstate Hwy 57 over IL Hwy 13 to junction IL Hwy 149, then over IL Hwy 149 to junction IL Hwy 3, then over IL Hwy 3 to junction Interstate Hwy 57, at or near Cairo, and return over the same route, (15) between Gulfport, IL, at or near the IL-IA state line and junction Interstate Hwy 74, at or near Galesburg, IL, over IL Hwy 34, and (16) between Chicago, IL and Superior, WI, from Chicago over Interstate Hwy 90 to junction Interstate Hwys 90 and 94, then over Interstate Hwys 90 and 94 to junction Interstate Hwys 90 and 94 and Interstate Hwy 94, at or near Tomah, WI, then over Interstate Hwy 94 to junction U.S. Hwy 53, at or near Eau Claire, WI, then over U.S. Hwy 53 to Superior, WI, and return over the same route.

MC 147787 (Sub-4), filed March 15, 1982. Applicant: LEON'S TRUCKING CO., P.O. Box 10124, Eugene, OR 97440. Representative: Frederick De Leon (same address as applicant), (503) 344–0581. Transporting *general commodities* (except classes A and B explosives and household goods), between points in OR, WA, CA, NV, ID, UT, AZ, WY, MT, CO, NM, AL, AR, FL, GA, IL, IN, IA, KS, LA, MI, MN, MS, MO, NE, NY, OH, OK, PA, SD, ND, NJ, SC, NC, TX, and WI.

MC 161077, filed March 16, 1982. Applicant: FONTELLA L. HAYCRAFT, d.b.a. HAYCRAFT TOURS, R.F.D. #1, Box 30, Heyworth, IL 61745. Representative: Fontella L. Haycraft (same address as applicant), (309) 473–2415. As a *broker*, at Heyworth, IL, in arranging for the transportation of *passengers and their baggage*, between points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161167, filed March 24, 1982. Applicant: OCEANIC SHIPPING COMPANY OF GEORGIA, 8700 W. Flagler St., Miami, FL 33174. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006, (202) 833–8884. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Boward and Dade Counties, FL.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-9449 Filed 4-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Vol. 245]

Motor Carrier Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: April 1, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

CANADIAN CARRIERS APPLICANTS: In the event an application to transport property, filed by a Canadian domiciled motor carrier, is unopposed, it will be reopened on the Commission's own motion for receipt of additional evidence and further consideration in light of the record developed in Ex Parte No. MC–157, *Investigation Into Canadian Law and Policy Regarding Applications of American Motor Carriers For Canadian Operating Authority.*

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 16334 (Sub-16)X, filed March 8, 1982. Applicant: DEBRICK TRUCK LINE CO., P.O. Box 421, Paola, KS 66071. Representative: John T. Pruitt, 9832 Connell, Overland Park, KS 66212. Sub 7, broaden clay products and sewer pipe joint compounds to "clay, concrete, glass or stone products, and materials, and supplies used in the manufacture and installation thereof".

MC 41122 (Sub-2)X, filed March 8, 1982. Applicant: FOREST HILLS TRANSFER AND STORAGE, INC., 2101 Ardmore Blvd., Pittsburgh, PA 15221. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Lead certificate, (1) broaden household goods to "household goods, and furniture and fixtures"; (2) expand points in PA, OH, and WV within 100 miles of Pittsburgh, PA, to Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Centre, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington and Westmoreland Counties, PA; Ashtabula, Belmont, Carroll, Columbiana, Coshocton, Cuyahoga, Geauga, Guernsey, Harrison, Holmes, Jefferson, Lake, Mahoning, Medina, Monroe, Morgan, Muskingum, Noble, Portage, Stark, Summit, Trumbull, Tuscarawas, Washington and Wayne Counties, OH; and Barbour, Brooke, Doddridge, Grant, Hampshire, Hancock, Hardy, Harrison, Lewis, Marion, Marshall, Mineral, Monongalia, Ohio, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, Wirt and Wood Counties, WV.

MC 60602 (Sub-6)X, filed March 9, 1982. Applicant: WILLIS DAY MOVING & STORAGE CO., 801 Washington Street, Toledo, OH 43601. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Lead: Broaden household goods to "household goods, furniture and fixture."

MC 68908 (Sub-12)X, filed March 8, 1982. Applicant: MULLEN BROS., INC. OF NORTH ADAMS, MASS., P.O. Box 1285, Pittsfield, Massachusetts 01201. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Avenue, NW, Suite 1200, Washington, DC 20036. Lead and Subs 6, 7, and 8, broaden household goods to "household goods and furniture and fixture."

MC 78040 (Sub-10)X, filed March 16, 1982. Applicant: CMX, INC., 150 Penrod Court, Elkridge, MD 21227. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. NW., Washington, DC 20005. Sub 9 certificate: broaden (1) to "pulp, paper and related products," from paper boxes; and "furniture and fixtures," from furniture frames, new upholstered furniture, uncrated, and new furniture (except new upholstered furniture), in crates or cartons, and uncrated; (2) to countywide authority: Bergen, Essex, Hudson, Middlesex, Passaic and Union Counties, NJ, and Manhattan, Queens, Brooklyn, Staten Island, and Bronx Boroughs, NY (from Jersey City, NJ); (3) to radial authority; (4) remove the restriction excepting service to "Newark and Jersey City, NJ"; and (5) remove the "ex-rail or motor carrier" restriction.

MC 79646 (Sub-2)X, filed March 22, 1982. Applicant: BROOKS TRANSFER AND STORAGE CO., INC., 1301 North Boulevard, Richmond, VA 23230. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036. Lead and Sub 1, broaden household goods to "household goods, and furniture and fixtures".

MC 94207 (Sub-3)X, filed March 12, 1982. Applicant: HALL BROS. MOVERS, INC., 111 Thomas Street, Worcester, MA 01608. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. Sub 2: broaden household goods to "household goods, furniture and fixtures."

MC 109551 (Sub-10)X, filed March 9, 1982. Applicant: BERMCO MILLS INC., New Bremen, OH. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Sub 8 permit: (1) broaden iron and steel foundry products, metal and wooden patterns, scrap iron and steel and other iron and steel mill products to "metal products"; and (2) change the territorial authority to between points in the U.S., under continuing contract(s).

MC 115495 (Sub-41)X, filed March 15, 1982. Applicant: UNITED PARCEL SERVICE, INC., 300 North 2nd St., St. Charles, IL 60174. Representative: Irving R. Segal, 1719 Packard Bldg. Philadelphia, PA 19102; Everett Hutchinson, 1150 Conn., Ave. NW, Washington, DC 20036. Sub-40F broaden to remove restrictions against the radial transportation of motion picture films, materials, supplies and equipment used in or useful in a motion picture theater between distributors and suppliers, and theaters, in its non-radial general commodities (with the usual exceptions) authority.

MC 116200 (Sub-18)X, filed March 15, 1982. Applicant: UNITED PARCEL SERVICE, INC., 643 West 43rd Street, New York, NY 10036. Representative: Irving R. Segal, 1719 Packard Bldg., Philadelphia, PA 19102; Everett Hutchinson, 1150 Connecticut Ave, NW, Washington, DC 20036. Sub 17F: remove restrictions in general commodity authority against (a) rendering transportation (1) of moving picture and sound reproduction film, apparatus, mechanism, installation, accessories, premiums, tickets and complete film set-ups between motion picture distributors and motion picture theraters or television stations, and (2) of magazines, newspapers and newspaper cuts and mats, from magazine and newspaper distributors, newstand operators or printers; (b) interchange at points in Ohio; and (c) rendering service between banks or any branches, facilities, or offices thereof.

MC 119741 (Sub-315)X, filed March 15, 1982. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as applicant). Sub 281F certificate: remove the foodstuffs or commodities in bulk restriction from such commodities as are dealt in or used by retail department stores.

MC 121740 (Sub-2)X, filed March 17, 1982. Applicant: MANLEY TERMINALS INC., P.O. Box 955, Homer, AK 99603. Representative: James C. Manley, P.O. Box 955, Homer, AK 99603. Sub 1 certificate: broaden to "between all points in the Third Judicial District, AK" in its existing general commodity authority.

MC 124965 (Sub-7)X, filed March 23, 1982. Applicant: OIL TRANSPORT, INC., 4419 Bainbridge Blvd., Chesapeake, VA 23320. Representative: Blair P. Wakefield, Suite 1001, First and Merchants Bank Bldg., Norfolk, VA 23510. Sub No. 4, broaden (1) dry plastics to "plastic materials and plastic articles", (2) remove in bulk restriction and plantside limitation, (3) and to radial authority.

MC 133373 (Sub-3)X, filed March 16, 1982. Applicant: A.G. BRIGGS d.b.a. BRIGGS TRUCK LINE, P.O. Box 274, Sidney, IA 51652. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. Sub 2F permit (1) remove in bulk, in tank vehicles, restrictions and (2) broaden residual oil to "petroleum, natural gas, and their products".

MC 135652 (Sub-3)X, filed March 30, 1982. Applicant: SERVICE TRANSFER, INC., 4557 Princess Anne Road, Virginia Beach, VA 23462. Representative: Jeffrey A. Vogelman, P.O. Box 11278, 6121 Lincolnia Road, Alexandria, VA 22312. Sub-2 certificate, remove ex-water restriction in general commodities authority.

MC 139010 (Sub-6)X, filed March 26, 1982. Applicant: BLACKLINE AMERICAN CORPORATION, 1918 West Grant St., Phoenix, AZ 85009. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014 Sub-1, 3, and 5; Broaden (1) building materials to "building and construction materials, equipment and supplies"; (2) territorial description to between points in the U.S., under continuing contract(s) with a named shipper, in each permit.

MC 139457 (Sub-30)X, filed March 19, 1982. Applicant: G. L. SKIDMORE d.b.a. JELLY SKIDMORE TRUCKING CO., P.O. Box 38, Paris, TX 75460. Representative: Paul D. Angenend, P.O. Box 2207, 1806 Rio Grande, Austin, TX 78768. Sub-No. 17F permit: broaden (1) from frozen bakery goods to "food and related products", and (2) to "between points in the U.S.", under continuing contract(s) with a named shipper.

MC 141176 (Sub-2)X, filed March 16, 1982. Applicant: DALE H. BAKER, d.b.a. BAKER'S TOWING SERVICE, Route 8, Box 808, Joplin, MO 64801. Representative: William B. Elmer, P.O. Box 801, 651 E. Eighth St., Traverse City, MI 49684. Sub 1 certificate (1) broaden from damaged, disabled, repossessed, stolen, and wrecked motor vehicles and trailers, in wrecker service, and replacement motor vehicles and trailers for said commodities, to "transportation equipment"; (2) one-way to radial authority.

MC 142232 (Sub-8)X, filed March 24, 1982. Applicant: BARRETT TEXTILE TRANSPORT, INC., P.O. Box 6, Kings Mountain, NC 28086. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204. Subs 2, 4 and 6 permits (1) broaden synthetic fiber yarn, and staple fiber to "textile products"; (2) remove commodities in bulk exception in Subs 4 and 6; and (3) broaden to between points in the U.S., under a continuing contract(s) with named shipper in all Subs.

MC 145439 (Sub-1)X, filed March 16, 1982. Applicant: DAVID STOCK d.b.a. DAVID STOCK TRUCKING, Rt. 1, Box 108, Newton, WI 53063. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Lead permit (1) expand foodstuffs to "food and related products"; and (2) between points in the U.S. under continuing contract(s) with a named shipper.

MC 145625 (Sub-7)X, filed March 19, 1982. Applicant: DUTCHLAND TRUCKING, INC., 1051 Center Ave., Oostburg, WI 53070. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086. Sub 4 certificate, (1) remove (except tires, batteries, and automotive repair parts) from authority to transport "such commodities as are dealt in by auto supply stores"; (2) expand facilities at or near Melose Park to Cook County, IL; (3) one-way to radial authority.

MC 146068 (Sub-12)X, filed March 15, 1982. Applicant: CONSOLIDATED CARRIERS INTERNATIONAL TRANSPORT CORPORATION, P.O. Box 5005, Florence, SC 29502. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425-13th Street, NW., Washington, DC 20004. Sub 10 permit and Sub 11 certificate: (A) Broaden to (1)(a) "textile mill products, rubber and plastic products" from synthetic fiber, textile waste plastic pellets, plastic waste, wood, wool waste, and materials used in the manufacture thereof, Sub 10; (b)(1) "chemicals and related products" from chemicals (except in bulk and except in tank and hopper containers), (2) "metal products" from aluminum billets, and (3) "motor vehicle parts or accessories" from mobile home tires mounted on wheels, mobile home axles, and log (sic) nuts for mobile home axles, Sub 11; (2) between points in the U.S., under continuing contract(s) with a named shipper, Sub 10; (3) county-wide authority: Mecklenberg County, NC (Charlotte), Butte County, CA (Chino-Choo (sic)); Pierce, Mason, King, Grays Harbor and Thurston Counties, WA (Tacoma), Clackamas, Multnomah, Marion, Polk, Yamhill, Columbia and Washington Counties, OR (Portland), Pima, Cochise, Graham and Pinal Counties, AZ (Tuscon), Washoe, Lyon, Douglas and Storey Counties, NV (Reno), and San Joaquin and Sacramento Counties, CA (Lodi), Sub 11; (B) remove "pick-up" and "delivery only" restrictions in Sub 11; and (C) eliminate the facilities limitations in Sub 11.

MC 146729 (Sub-14)X, filed March 18, 1982. Applicant: JAMES F. HELWIG & ALLEN S. GRIMLAND, d.b.a. H & G LEASING, 4525 Irving Blvd., Dallas, TX 75247. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Subs 4F, 5F, 9F, 10F, 11F and MC–147863F: (1) broaden (a) lime to "chemicals and related products and clay, concrete, glass or stone products", Sub 4F; (b) hams (Sub 5F) and confectionery (MC–147863F) to "food and related products"; (c) motor truck coupler parts and trailer coupler parts to "metal products", Sub 9F; and (d) synthetic resin granules (Sub 10F) and synthetic resin granules, and materials used in the manufacture of synthetic resin (Sub 11F), to "chemicals and related products and rubber and plastic products"; (2) remove the following restrictions: (a) facilities limitations, Subs 5F, 9F, 10F, and MC–147863F; (b) except in bulk, Sub 4F and MC–147863F; (c) in containers, Sub 5F; (d) vehicles limitations, Sub 5F and MC–147863F; (e) ex-water restriction, Sub 9F; and (f) originating at and destined to restriction, MC–147863F; (3) change one-way to radial authority, Subs 4F, 5F, 9F, 10F, and MC–147863F; and (4) replace cities with county-wide authority: (a) Dallas, TX, (Dallas County), Midlothia, TX (Ellis County), Midlothia, TX (Ellis County), Commerce and San Jose, CA (Santa Clara County), Orlando, FL (Orange County), Salisbury, NC (Rowan County), Kirkwood, NY (Broome County), Massillon, OH (Stark County), Williamsport, PA (Lycoming County), Beloit, WI (Rock County), and Monroe, WI (Green County), Sub 4F; (b) Wylie, TX (Collin County), Denmark, SC (Bamberg County), Whitehouse Station, NJ (Hunterdon County), Holland, MI (Ottawa and Allegan Counties), and Miliptas, CA (Santa Clara County), Sub 9F; (c) Grand Prairie, TX (Dallas and Tarrant Counties), Sub 10F; and Waco, TX (McLennan County), MC–147863F.

MC 147348 (Sub-19)X, filed March 19, 1982. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, Suite 411, 221 W. 2nd, Little Rock, AR 72201. Sub 8F (1) remove the facility restriction: (2) replace North Little Rock, AR with Pulaski County, AR; (3) to radial authority; and (4) broaden general commodities (with the usual exceptions) to "general commodities (except household goods, as defined by the commission, commodities in bulk, and classes A and B explosives)."

MC 148734 (Sub-3)X, filed March 18, 1982. Applicant: TUMLIN TRUCKING AND WAREHOUSE, INC., P.O. Box 412, Cartersville, GA 30120. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338. Sub 2F certificate: remove the restriction limiting transportation of traffic to that "having a prior or subsequent movement by rail."

MC 149489 (Sub-2)X, filed February 24, 1982. Applicant: WITTE BROS., INC., Route 3, Faribault, MN 55021. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Sub No. 1F and MC–140241 (Sub Nos. 18F, 33F and 35F) acquired in MC–FC–78470, broaden: (1) dry cement, in bulk, and fly ash, in bulk, Sub 1 to "commodities in bulk"; precut log buildings, knocked down, Subs 18 and 35 to "lumber and wood products"; and shredded rubber, in bags, Sub 33F, to "rubber and plastic products"; (2) to radial authority, Subs 1F, 18F and 33F; (3) Cerro Gordo County, IA (Mason City) and Codington County, SD (Watertown), Sub 1 Rogers County, OK (Claremore) Sub 18, and Dawes County, NE (Chadron), Crow Wing County, MN (Brainerd) and Klamath County, OR (Malin) Sub 35; (d) remove "originating at and destined to" restrictions Subs 18F and 35F.

MC 156359 (Sub-8)X, filed March 19, 1982. Applicant: HARBOR CARTAGE, INC., 312 West End, Detroit, MI 48209. Representative: Alex J. Miller, 555 S. Woodward Ave., Birmingham, MI 48011. Lead certificate and Sub-No. 1 permit: broaden (1) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in the lead; (2) delete prior or subsequent movement by rail owned or operated trailers in both authorities; (3) broaden self contained room air conditioners to "metal products and machinery" in Sub-No. 1; (4) broaden to between points in the U.S. under continuing contract(s) with a named shipper in Sub 1.

[FR Doc. 82–5448 Filed 4–7–82; 8:45 am]
BILLING CODE 7035–01–M

Section 10706(a)(5)(A) Application No. 5; Chemical Manufacturers Association

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of agreement and request for comments.

SUMMARY: Under the provisions of 49 U.S.C. 10706(a)(5)(A), shippers wishing to enter into agreements among themselves to discuss the amount of compensation to be charged rail carriers for the use of privately owned cars must apply to the Commission for approval of such agreements. The Commission will approve such an agreement only upon finding that it furthers the transportation policy set forth in 49 U.S.C. 10101a, and, if necessary, can impose conditions to further that policy. If such an agreement is approved, the antitrust laws do not apply to parties and other persons with respect to the making and carrying out of the agreement. 49 U.S.C. 10706(a)(2).

An application has been filed by Chemical Manufacturers Association on behalf of members who own or lease rail cars.

The application may be inspected at the Office of the Secretary, Interstate

Commerce Commission, in Washington, D.C.

COMMENTS: Comments are invited on the proposed agreement, with special attention to the following subjects:

(1) How will this agreement further the transportation policy set forth in 49 U.S.C. 10101(a)? (Is the requested antitrust immunity necessary?)

(2) Are there any anti-competitive effects that may result because of such agreement?

(3) Must individual shippers be allowed under such agreement the right of independent action to negotiate separately car compensation rates?

(4) What, if any, safeguards are necessary to insure that the proposed agreement will not have an undesirable anti-competitive effect or suppress competition among members of the association?

(5) What other matters should the Commission consider in determining whether such agreement should be approved?

DATE: An original and 10 copies of comments by interested parties should be filed within 20 days of the date of publication of this notice in the **Federal Register.**

ADDRESS: Comments should be addressed to: Interstate Commerce Commission, Office of Proceedings, Room 5340, 12th & Constitution Avenue, NW., Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 27–7656.

While it does not appear that this action will have a significant effect on the quality of the human environment or conservation of energy resources, comments on these issues are also invited.

(49 U.S.C. 10706(a)(5))

Dated: April 1, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Clapp and Sterrett. Commissioner Clapp did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-9440 Filed 4-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-110)]

Chessie System, Exemption for Contract Tariff ICC-BO-C-0024

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 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 Baltimore and Ohio Railroad Co. filed a petition on March 17, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract ICC–BO–C–0024 to become effective on one day's notice. The contract was filed to become effective on 30 days' notice.

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. However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The carrier requests the contract become effective on April 1, 1982, so that the date of the annual reconciliation of the round-trip car utilization incentive allowance provided in the contract and the annual contract rate escalation clause will coincide with the date of the second quarter Rail Carrier Cost Recovery indices. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

Petitioner's contract ICC–BO–C–0024 may become effective on one days' 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 this instance 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: April 1, 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. 82-9441 Filed 4-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29814]

Diamond Shamrock Corp.; Petition for Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission previously exempted Diamond Shamrock Corporation (DSC) from the requirements of 49 U.S.C. 10901 for its proposed switching of B.F. Goodrich Corporation railroad cars over 1,800 feet of Port Terminal Railroad Association track at Houston, TX. We now exempt DSC from 49 U.S.C. Subtitle IV.

DATES: Exemption effective on May 7, 1982. Petitions to reopen mut be filed by April 28, 1982.

ADDRESSES: Send pleadings to—

(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th St. and Constitution Ave., NW., Washington, DC 20423.

(2) Petitioner's Representative: Paul M. Donovan, 743 Investment Building, 1511 K Street, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's full decision. For a copy of the full decision, write to the Interstate Commerce Commission, Room 2227, Washington, DC 20423 or call toll free (800) 424–5403.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-9438 Filed 4-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29885]

Norfolk & Western Railway Co.—Merger—The Lake Erie & Fort Wayne Railroad Co.—Exemption

The Norfolk and Western Railway Company (NW) and its wholly owned subsidiary The Lake Erie and Fort Wayne Railroad Company (LE&FtW), have notified the Commission that they will merge, with NW emerging as the surviving railroad. The transaction is

merely a "corporate simplification" which comes within the exemption described at 49 CFR 1111.5(c)(3). It will not result in any change in service levels, operations, or the competitive balance with carriers outside the corporate family.

As a condition to use of the exemption, any LE&FtW employee affected by the merger shall be protected pursuant to *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 ICC 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary

[FR Doc. 82-9442 Filed 4-7-82; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL CAPITAL PLANNING COMMISSION

Privacy Act of 1974; Systems of Records: Annual Publication

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4) requires agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. The National Capital Planning Commission last published the full text of its systems of records at 42 FR 48768, September 23, 1977. An additional system of records was published at 45 FR 57604, August 28, 1980. No further changes have occurred, therefore, the systems of records remain in effect as published.

The full text of the NCPC systems of records also appears in Privacy Act Issuances, 1979 Compilation, Volume IV, page 2989. This volume may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price of this volume is $10.00.

Edward H. Rickels,

Records Management Officer.

[FR Doc. 82-9437 Filed 4-7-82; 8:45 am]

BILLING CODE 7520-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Privacy Act; Revised Systems of Records

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of Revisions.

SUMMARY: National Foundation on the Arts and the Humanities Systems of Records under the Privacy Act of 1974 were last published in the **Federal Register** December 17, 1976, 41 FR 55308 (1976). The following notice updates information included in the earlier notice of systems of records maintained by the Humanities Endowment.

FOR FURTHER INFORMATION CONTACT: Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, Washington, DC 20506, 202/724-0367.

SUPPLEMETARY INFORMATION: The National Endowment for the Humanities and the National Endowment for the Arts no longer share an administrative staff. Also, locations of systems and retention and disposal information have changed during the past several years. The following updates the Humanities Endowment's notice of systems of records by reflecting these changes.

Dated: March 23, 1982.

Victor Loughnan,

Director of Administration.

Alphabetical List of Systems Names

Consultants,,Reviewers and Panelists—NEH—1
Contracts—NEH–2
Employee Payroll, Leave and Attendance Records and Files—NEH–3
Equal Employment Opportunity Case File—NEH–4
Grant Applications—NEH–5
Grants to Individuals—NEH–6
Personnel Records—NEH–7

NEH–1

SYSTEM NAME:

Consultants, Reviewers and Panelists —NEH–1

SYSTEM LOCATION:

NEH—806 15th Street, NW., Washington, DC 20506

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present members of the National Council on the Humanities, Advisory Panels to the Humanities Endowment, and scholars and experts who may be called upon to serve on advisory panels or to review applications.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, address and telephone number of individual. Contains compensation claims, travel diaries, notification of personnel actions, correspondence. May contain curriculum vitae and press clippings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et. seq.).

The records are used by Endowment staff in administration of our peer review system, including identification of scholars to serve as consultants, reviewers and panelists; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in 9 inch by 12 inch folders or computer data base.

RETRIEVABILITY:

Indexed by name or indexed keys.

SAFEGUARDS:

Records are maintained in lockable drawers, file cabinets, or computer controlled by passwords.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary to the National Council on the Humanities, Office of the General Counsel; Director, ADP Systems, 806 15th St., NW., Washington, DC 20506.

NOTIFICATION PROCEDURE:

See Title 45 CFR Part 1115.

RECORD ACCESS PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, newspapers and journals, Endowment employees.

NEH–2

SYSTEM NAME:

Contracts–NEH–2

SYSTEM LOCATION:

NEH—Office of the General Counsel, Room 1000, 806 15th Street, NW., Washington, DC 20506.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have entered into contracts with the Endowment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains contract, including name and address of contractor, specific and general contract provisions, contract amendments, correspondence relevant back-up material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

Routine uses of records maintained in the system, including categories of users reporting on agency contracting activities to the Federal Procurement Data Center and other agencies, general congressional oversight; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in 12 inch by 10 inch folders.

RETRIEVABILITY:

Indexed by name and number.

SAFEGUARDS:

Records are maintained in a lockable file cabinet.

RETENTION AND DISPOSAL:

Scheduled for destruction 6 years, 3 months after final payment is made.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel—NEH, Room 1000, 806 15th St., NW., Washington, DC 20506.

NOTIFICATION PROCEDURE:

See Title 45 CFR Pat 1115.

RECORD ACCESS PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained. Foundation employees involved in contract development, administration, and execution.

NEH-3

SYSTEM NAME:

Employee payroll and leave and attendance records and files—NEH-3.

SYSTEM LOCATION:

Paryoll Processing Branch, 1500 Bannister Road, Kansas City, MO 64131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Endowment employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of manual and automated filed containing payroll-related information for Endowment employees. Payroll and leave and attendance records and information includes many records or information also maintained in employee's official folder and related files maintained in accordance with Office of Personnel Management regulations and of which notice has been given by the OPM in its notice of Governmentwide systems of personnel records. Payroll and related information consists of various forms which disclose on a biweekly, year-to-date, and in some cases an annual basis, payroll and leave data for each employee relating to rate and amount of pay, leave, and hours worked, and leave balances; tax and retirement deductions; life insurance and health insurance deductions; savings allotments; savings bond and charity deductions; mailing addresses and home addresses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.). Federal Personnel Manual and Treasury Fiscal Requirements Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to prepare payroll and to meet Government payroll recordkeeping and reporting requirements, and for retrieving and supplying payroll and leave information as required for agency needs. Notice of Governmentwide Systems of Personnel Records: "C.S.C.—General Personnel Records (Official Personnel folder and records related thereto)"; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Time and attendance files maintained on 8 inch by 5 inch cards included with other information maintained in 9 inch by 12 inch folders or computer data base.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are maintained in a lockable file cabinet, or computer data base controlled by password.

RETENTION AND DISPOSAL:

Records maintained for three years or until audited by the General Accounting Office.

SYSTEM(S) MANAGER AND ADDRESS:

Accounting Officer, Room 815, Shoreham Building, 806 15th St., NW., Washington, DC 20506.

NOTIFICATION PROCEDURE:

See Title 45 CFR Part 1115.

RECORD ACCESS PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

NEH-4

SYSTEM NAME:

Equal Employment Opportunity Case File–NEH-4.

SYSTEM LOCATION:

Room 506, 806 15th Street, NW., Washington, DC 20506.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains transcripts, documentation concerning pre-complaint counseling activities, documentation concerning filing of complaint, written records of terms of adjustment and disposition of complaint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 CFR Chapter I, Part 713.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Implementation of Endowment program for equal opportunity in employment and personnel operations; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in 9 inch by 12 inch folders.

RETRIEVABILITY:

Retrievable by name.

SAFEGUARDS:

Maintained in lockable filing cabinets.

RETENTION AND DISPOSAL:

Retained for four years after resolution of the case, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Equal Employment Opportunity Officer, room 506, 806 15th St., NW., Washington, DC 20506.

NOTIFICATION PROCEDURE:

See Title 45 CFR Part 1115.

RECORD ACCESS PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained. Foundation employees involved in the claim or proceeding.

NEH 5

SYSTEM NAME:

Grant Applications-NEH–5

SYSTEM LOCATION:

806 15th Street, NW., Washington, DC 20506

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and institutions applying to the National Endowment for the Humanities for financial assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant application, sample of work where appropriate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General administration of grant review process; statistical research; congressional oversight and analysis of trends; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS TO THE SYSTEM:

STORAGE:

9 inch by 12 inch folders.

RETRIEVABILITY:

Indexed by name of applicant.

RETENTION AND DISPOSAL:

Successful applications are merged into "Grants to Individuals and Institutions" file. Rejected applications are retained for five years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Grants Officer—NEH, Room 522, 806 15th St., NW., Washington, DC 20506.

NOTIFICATION PROCEDURE:

See Title 45 CFT Part 1115.

RECORD ACCESS PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual and institution on whom the record is maintained.

NEH–6

SYSTEM NAME:

Grants to Individuals and Institutions–6

SYSTEM LOCATION:

806 15th Street, NW., Washington, DC 20506.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and institutions receiving grant awards from the National Endowment for the Humanities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant application including sample of work where appropriate, award notification letter, grant award acceptance agreement, payment schedule, relevant correspondence, final report.

AUTHORITY FOR MAINTENACE OF THE SYSTEM:

National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Administrative processing, general statistical research, congressional analysis of trends; disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained.

Information concerning grantees, principal investigator's location of grantee, title of grant, field of study, type of grantee, special characteristics, length of award, application date, date of recommendation, grant number, division and program element, amount and brief description of purpose of award is routinely forwarded to the Smithsonian Science Information Exchange (SSIE) and the Foreign Area Research Unit (FARU) in the Intelligence and Research Office of the Department of State.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in 9 inch by 12 inch folders.

RETRIEVABILITY:

Indexed by name of individual, name of institution, and number.

SAFEGUARDS:

Records are maintained in a lockable filing cabinet.

RETENTION AND DISPOSAL:

After receipt of final reports. Retained for ten years.

SYSTEM MANAGER(S) AND ADDRESS:

Grants Officer–NEH, Room 522, 806 15th St., NW., Washington, DC 20506.

NOTIFICATION PROCEDURE:

See Title 45 CFR Part 1115.

RECORD ACCESS PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained. Employees involved in administration of the grant.

NEH–7

SYSTEM NAME:

Personnel Records—EH–7.

SYSTEM LOCATION:

Room 410, 806 15th Street, NW., Washington, DC 20506.

This system of records is part of the Office of Personnel Management's government-wide system of personnel records "OPM/GOVT–1—General Personnel Records" and subject to that agency's rules..

[FR Doc. 82-9505 Filed 4-7-82; 8:45 am]
BILLING CODE 7536-01-M

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities, NFAH.
ACTION: Notice of meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, NW., Washington, D.C. 20506.

DATE: Wednesday, April 21, 1982.

TIME: 9:30 a.m. to 5:30 p.m.

ROOM: 313.

PROGRAM: This meeting will review applications from the American Council

for Learned Societies submitted to the Division of Fellowships and Seminars, for projects beginning after July 1, 1983.

The proposed 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. Because the proposed meeting will consider information that is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting 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 about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Ednowment for the Humanities, Washington, D.C. 20506, or call (202) 724–0367.

Stephen J. McCleary,

Advisory Committee, Management Officer

[FR Doc. 82-9493 Filed 4-7-82; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Social and Economic Science, Subpanel on Economics; Notice of Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Sciencie Foundation announces the following meeting:

Name: Subpanel on Economics of the Advisory Panel for Social and Economic Science.

Date and time: April 22, 23, & 24, 1982; Thursday—1:00pm to 7:30pm; Friday—9:00am to 8:00pm; Saturday—9:00am to 3:00pm.

Place: Room 643, National Science Foundation, 18th and G Street, NW. Washington, D.C. 20550.

Type of Meeting: Closed.

Contact person: Daniel H. Newlon, Program Director for Economics, Room 312, National Science Foundation, Washington, D.C. 20550 Telephone (202) 357–9674

Purpose of subpanel: To provide advice and recommendations concerning support for research in the Economics Program.

Agenda: To review and evaluate research proposals as part of the selection process for awards

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The committee Management Officer was delegated the authority to make such determinations by the Director, NSF, of July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 2, 1982.

[FR Doc. 82-9494 Filed 4-7-82; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Hearings, Reports, Recommendations, Responses; Availability

Notice of Hearing: In the matter of its special investigation of the effects of runway surface conditions on aircraft operations, the Board will convene a public hearing at 9 a.m. on May 3 in the 3rd Floor Auditorium, Federal Office Building 10A, 800 Independence Ave., SW., Washington, D.C.

Aircraft Accident Report—Air U.S. Flight 716, HP–137, N11360, and Sky's West Cessna TU–206, N4862F, Midair Collision, Ft. Collins/Loveland Municipal Airport, Loveland, Colorado, April 17, 1981 (NTSB–AAR–81–18)

Safety Recommendations to—

Federal Highway Administration: Mar. 30: H–82–8 and –9: Adopt the final rule changing the Manual on Uniform Traffic Control Devices to incorporate the provisions of the "Emergency Final Rule, 23 CFR 630.1010"; expedite the proposed research project titled "Development of a Low-Cost, Low-Maintenance Channelizing Device."

Ohio Turnpike Commission: Mar. 30: H–82–7: Develop a policy that will insure that when the turnpike carries two-way traffic in a construction zone, positive barriers and/or drums, cones, or vertical panels are used to maintain separation of the two-way traffic.

International Bridge, Tunnel and Turnpike Association: Mar. 30: H–82–6: Develop voluntary standards similar to those required in the Manual on Uniform Traffic Control Devices by the FHWA with respect to signing, markings, and separation which will be applicable to the design, construction, and maintenance of highways funded by private revenue but intended for public use.

State of Pennsylvania: Mar. 31: H–82–4: Adopt an "Operation Lifesaver" program as a foundation for a statewide effort to reduce accidents at railroad/highway grade crossings in Pennsylvania.

Atlantic Richfield Company: Mar. 31: H–82–5: Develop a company program to reduce the likelihood of railroad/highway grade crossing accidents involving trucks carrying bulk hazardous materials.

Southeastern Pennsylvania Transportation Authority: Mar. 31: R–82–21: Develop a program to reduce the likelihood of railroad/highway grade crossing accidents involving trucks carrying bulk hazardous materials and SEPTA commuter trains.

American Public Transit Association: Mar. 31: R–82–19 and –20: Assist the National Safety Council in its program to reduce the likelihood of railroad/highway grade crossing accidents involving trucks carrying bulk hazardous materials; encourage its members who operate rail systems to cooperate with local and State traffic authorities and operators of trucks carrying bulk hazardous materials in the designation of specific railroad/highway grade crossings to be used by trucks.

Recommendation Responses from—

Office of the Federal Coordinator for Meteorological Services and Supporting Research: Mar. 22: A–81–113 and –114: Subcommittee on Aviation Services has prepared "A Report on Improving Forecasts of Icing Conditions for Aviation" which recommends certain actions be taken by Dept. of Commerce, NASA, and FAA.

New Orleans-Baton Rouge Steamship Pilots Association: Mar. 22: M–82–14: All members have been mailed a copy of the recommendation letter.

Federal Railroad Administration: Mar. 24: R–73–5: Inspection of all tracks is adequately addressed in Section 213.7(c) of the standards. FRA plans no further action. *R–75–02:* FRA does not plan to issue regulations on size and quality of components used in track construction. *R–76–20:* Determined that track standards were adequate and plans no further action. *R–77–04:* Since the standards presently address train operations over unstable or disturbed track and railroad carriers have adequate procedures in this regard, FRA plans no further action. *R–77–6, –7, –8, –29, R–79–19* and *–25:* FRA does not plan any further amendments or revisions to the Track Safety Standards. *R–79–17:* Does not plan to develop a track safety program based on risk.

U.S. Coast Guard: Mar. 25: M–79–52 and –53: Budget reductions have forced elimination of support for Vessel Traffic Management and new R&D special studies. *M–74–3, –9, and M–81–44:* Finds insufficient justification for issuing a set of operational guidelines when there are already numerous sources, covering the same information, readily available. *M–81–79:* This is standard

Coast Guard practice in dealing with modifications to vessel loading restrictions.
M-81-80: Action has been completed.

Note.—In the past, NTSB publications have been mailed free of charge to organizations and individuals who NTSB determined had a transportation interest and could influence transportation safety. However, because of recent personnel and budget reductions, NTSB can no longer provide publications free of charge. Beginning with reports adopted in 1982, interested organizations and individuals must order reports from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703-487-4650 and to order subscriptions to reports call 703-487-4630. Single copies of recommendation letters (identified by recommendation number) and responses are free on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Sharon Flemming,

Alternate Federal Register Liaison Officer.

April 5, 1982.

[FR Doc. 82-9483 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-364]

Alabama Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. NPF-8 issued to Alabama Power Company (the licensee), which revises License No. NPF-8 for operation of the Joseph M. Farley Nuclear Plant, Unit No. 2 (the facility) located in Houston County, Alabama. The amendment is effective as of the date of issuance.

The Amendment extends a license condition schedule for completion of one five shielding additions for vital area access and protection of safety equipment following an accident resulting in a degraded core. The extension allows additional time of about six months, or less if cold shutdown conditions exist of sufficient duration to allow the final shielding additions to be made.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to the action, see (1) the application for amendment dated February 11, 1982, (2) Amendment No. 12 to License No. NPF-8, 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 George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. 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 31st day of March, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-9538 Filed 4-7-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co. (Pilgrim Nuclear Power Station, Unit 1); Receipt of Petition Under 10 CFR 2.206

Notice is hereby given that the Executive Office of Energy Resources (EOER) of the Commonwealth of Massachusetts has requested by petition dated March 18, 1982, that the Director, Office of Inspection and Enforcement, take steps to re-direct all or part of $550,000 in civil penalties recently paid by Boston Edison Company to a home weatherization and energy conservation program administered by the EOER. This petition is being considered as a request for action under 10 CFR 2.206 and, accordingly, appropriate action will be taken on the petition within a reasonable time.

Copies of the petition are available for public inspection in the Commission's public document room at 1717 H Street, NW., Washington, D.C. 20555 and in the local public document room for the Pilgrim station at the Plymouth Public Library, North Street, Plymouth, MA 02360.

Dated at Bethesda, Maryland, this 30th day of March, 1982.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director,

Office of Inspection and Enforcement.

[FR Doc. 82-9547 Filed 4-7-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-400 OL; 50-401 OL]

Carolina Power & Light Co. and North Carolina Municipal Power Agency No. 3; Order (Scheduling Prehearing Conference and Establishing Certain Filing Deadlines)

In the Matter of Carolina Power & Light Company and North Carolina Municipal Power Agency No. 3 (Shearon Harris Nuclear Power Plant, Units 1 and 2), [Docket Nos. 50-400 OL; 50-401 OL] April 2, 1982.

The Board's Order of March 16, 1982 called for responses to the Applicants' motion for a prehearing conference schedule. We received responses from petitioners for intervention from Eddleman and Environmental Law Project, and from the NRC Staff. On consideration of these responses, the Board is scheduling a prehearing conference pursuant to 10 CFR 2.751a for June 14-15, 1982, in Courtroom 11 of the Wake County Court House, Fayetteville Street Mall, Raleigh, North Carolina, beginning at 10:00 a.m. The primary purpose of the conference will be to discuss the pending petitions to intervene and the contentions being advanced by the petitioners.

Supplements to petitions to intervene setting forth specific contentions shall be served (*i.e.*, mailed) by May 14, 1982. The Applicants' response to such supplements shall be served by May 28, 1982 and the Staff's response shall be served by June 5, 1982. This schedule is being established to facilitate informal discussions of contentions among the petitioners, the Applicants and the NRC Staff to take place between the deadline for serving contentions and the prehearing conference. Petitioners for intervention are free to advocate to the Board any contention they wish, subject to the Commission's rules. However, these informal discussions prior to the prehearing conference can produce clearer and simpler contentions, and may lead to stipulations on many, if not most, contentions.

The Board will also establish at the conference a schedule for further actions and take such other steps as may expedite the proceeding. Prospective participants in the conference are invited to submit

proposed agendas to the Board by June 7, 1982.

The NRC Staff has asked us to clarify our Order of March 16, 1982, concerning the second public document room that has now been established in Chapel Hill. At this point, the only documents in that room are the Final Safety Analysis Report (FSAR) and the Environmental Report (ER). However, they are the most important documents for the purpose of drafting contentions. The Staff is technically correct that a full-fledged Public Document Room like the one in Raleigh receives other documents as well. We will defer until the prehearing conference the question whether copies of those other documents should also be sent to Chapel Hill.

In partial response to one of petitioner Eddleman's requests, we are having a copy of Chapter 10 of the Code of Federal Regulations placed in the public document room in Chapel Hill. Part 2, Subpart G, of this volume contains the most significant procedural rules applicable to this case. At this initial stage, §§ 2.710–2.718 are particularly relevant.

Petitioner Eddleman has requested a copy of the FSAR and ER to facilitate preparation of his contentions. It is not the Commission's practice to provide personal copies of these voluminous and expensive documents to each petitioner for intervention, at least in the absence of undue hardship. We do not believe that Mr. Eddleman's having to drive from Durham to review the FSAR and ER in Chapel Hill represents an undue hardship.

Petitioner for intervention Environmental Law Project (ELP) has lodged with us a "Motion to Postpone or Separate Proceedings" with respect to Unit 2. We have an answer in opposition to that motion from the Applicants. Apart from our doubt whether a petitioner for intervention is authorized under the rules to file a motion of this kind (or, for that matter, of any kind), we see no real need to rule on this motion at this time. And since it implicates in various ways the realities of the technical review process, we would not in any event rule on it before receiving the Staff's views. We are therefore asking the Staff to include their views on the ELP motion with their responses to the petitioners' contentions. The motion can be placed on the agenda for the prehearing conference.

Dated at Bethesda, Maryland, this 2nd day of April, 1982.

The Atomic Safety and Licensing Board.

Glenn O. Bright,

Administrative Judge.

Dr. James H. Carpenter,

Administrative Judge.

James L. Kelley,

Chairman, Administrative Judge.

[FR Doc. 82-9539 Filed 4-7-82; 8:45 am]

BILLING CODE 7590-01-M

"Closedown (of) all Suspect Reactors"; Issuance of Director's Decision Under 10 CFR 2.206

By letter dated October 16, 1981, Mr. Marvin I. Lewis petitioned that the Nuclear Regulatory Commission (NRC) "close down all suspect reactors, BWRs and PWRs, until and unless all areas of non-conservatism are explored." The petition has been considered under the provisions of 10 CFR 2.206.

The petition alleges that the areas of nonconservatism which must be explored are:

A. Seismic loads which may have been the prime mover for the transient in question;

B. Hydrodynamic loads, both normal and abnormal to the operation of a transient;

C. Vibratory loads, either associated with hydrodynamic and seismic loads or not;

D. Any other sources of nonconservatism mentioned or *not* mentioned on this page of your ACRS presentation. (This last item refers to Dr. T. Murley's September 11, 1981, presentation to the ACRS, in transcript thereof on page headed, "Potential Sources of Nonconservatism in Analysis.)

The NRC staff has evaluated the issues raised in the subject petition and has found that there is reasonable assurance that operation of BWRs and PWRs can continue pending resolution of the pressurized thermal shock issue without endangering the health and safety of the public. For this reason, the petitioner's request for shutdown of "suspect reactors" has been denied.

A copy of the decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). As provide in this regulation, the decison will become the final action of the Commission twenty-five (25) days after issuance, unless the Commission on its own motion institutes review of this decision within that time.

Dated at Bethesda, Maryland, this 31st day of March, 1982.

For the Nuclear Regulatory Commission.

Stephen H. Hanauer,

Director, Division of Safety Technology, Office of Nuclear Reactor Regulation.

[FR Doc. 82-9537 Filed 4-7-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-329 OM, 50-330 OM; 50-329 OL, 50-330 OL]

Consumers Power Co. (Midland Plant, Units 1 and 2); Order

April 2, 1982.

In response to the request of the NRC Staff, conveyed during a conference call on April 2, 1982, it is, this 2nd day of April, 1982

Ordered

That the evidentiary hearings in the consolidated OM–OL proceeding scheduled for April 28–30, 1982, and the conference of counsel or representatives in the OL proceeding scheduled for April 28, 1982, are *cancelled.*

Hearings remain scheduled for May 11–14, 1982. Testimony is to be presented on (1) answers to earlier Board questions on the Quality Assurance plan for underpinning activities, and (2) qualifications of QC inspectors. The conference of counsel or representatives in the OL proceeding is tentatively rescheduled for Thursday, May 13, 1982, at 9:00 a.m. Hearings will commence at 9:00 a.m. each day, except on May 13 they will commence at the conclusion of the conference of counsel or representatives. Hearings and the conference will be held in the Midland County Courthouse Auditorium, 301 W. Main, Midland, Michigan 58640.

Dated at Bethesda, Maryland this 2nd day of April 1982.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 82-9540 Filed 4-7-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-255-SP]

Consumers Power Co. (Palisades Nuclear Power Facility); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Consumers Power Company* (Palisades Nuclear Power Facility), Docket No. 50–255–SP, is hereby reconsitituted by appointing the following Administrative Law Judge to the Board: James A. Laurenson. Mrs. Elizabeth S. Bowers, former chairman of this Board, has retired.

As reconstituted, the Board is comprised of the following Administrative Judges:

Mr. James A. Laurenson, Chairman
Dr. Peter A. Morris
Dr. Jerry R. Kline

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701

(1980). The address of the new Board member is: Administrative Law Judge James A. Laurenson, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Wahington, DC 20555.

Issued at Bethesda, Maryland this 2nd day of April 1982.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 82-9541 Filed 4-7-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-8681]

Energy Fuels Nuclear, Inc.; Negative Declaration Regarding Issuance of an Amendment to License SUA-1358 For Operation of The White Mesa Uranium Project In San Juan County, Utah

The U.S. Nuclear Regulatory Commission (the Commission) is issuing a license amendment authorizing a uranium mill expansion and increased production of uranium concentrate by Energy Fuels Nuclear, Inc., at their White Mesa Uranium Project located in San Juan County, Utah.

The Commission's Division of Waste Management has prepared an environmental impact appraisal for the proposed action. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted for there will be no significant environmental impact attributable to the action. The environmental impact appraisal is available for public inspection and copying at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Silver Spring, Maryland, this 30th day of March, 1982.

For the Nuclear Regulatory Commission.

Ross A. Scarano,

Chief, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 82-9542 Filed 4-7-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309; License No. DPR-36; EA 81-88]

Maine Yankee Atomic Power Co. et al.; Order Imposing Civil Monetary Penalties

I

Maine Yankee Atomic Power Company, Edison Drive, Augusta, Maine 04336 (the "licensee") is the holder of License No. DPR-36 (the "license") issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the licensee to operate the Maine Yankee Atomic Power Station in Lincoln County, Maine, in accordance with conditions specified therein. The license was issued on September 15, 1972.

II

An inspection of the licensee's activities under the license was conducted on July 19, 1981 at the Maine Yankee Atomic Power Station in Lincoln County, Maine. As a result of this inspection, it appears that the licensee had not conducted its activities in full compliance with the conditions of its license and with the requirements of NRC regulations. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated November 12, 1981. The Notice states the nature of the violations, the provisions of the Nuclear Regulatory Commission regulations and license conditions which the licensee had violated, and the amount of civil penalty proposed for each violation. Answers dated December 8, 1981 and January 15, 1982 to the Notice of Violation and Proposed Imposition of Civil Penalties were received from the licensee.

III

Upon consideration of the answers received and the statements of fact, explanation, and argument for remission or mitigation of the proposed civil penalties contained therein, as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed, except that the penalty for Item B should be reduced by Ten Thousand Dollars.

IV

In view of the foregoing the pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the amount of Thirty Thousand Dollars ($30,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

V

The licensee may within thirty days of the date of this Order request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. If the licensee fails to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings; if payment has not been made by that time, the matter may be referred to the Attorney General for collection. In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) whether the licensee violated NRC regulations and license conditions as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties; and

(b) whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland this 29th day of March 1982.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 82-9543 Filed 4-7-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-245]

Northeast Nuclear Energy Co., et. al.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 83 to Provisional Operating License No. DPR-21, issued to the Connecticut Light and Power Company, the Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees), which revised the Technical Specifications for operation of the Millstone Nuclear Power Station, Unit 1 (the facility), located in the Town of Waterford, Connecticut. The amendment is effective on its date of issuance.

The amendment incorporates limiting conditions for operation and suveillance requirements for the fire protection modifications implemented in accordance with our Fire Protection Safety Evaluation Report (FPSER) (License Amendment No. 53) dated September 26, 1978.

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.

For further details with respect to this action, see (1) the application for amendment dated March 9, 1982, (2) Amendment No. 83 to License No. DPR-21, including its transmittal letter and (3) the Commission's related FPSER, dated September 26, 1978 (License Amendment No. 53). All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of April, 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82-9544 Filed 4-7-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-522; STN 50-523]

Puget Sound Power & Light Company, et al. (Skagit/Hanford Nuclear Power Project, Units 1 and 2); Special Prehearing Conference

April 2, 1982.

A special prehearing conference in the construction permit proceedings in the Skagit/Hanford Nuclear Power project will be held beginning at 10:00 a.m., local time, on Wednesday, May 5, 1982, at the U.S. Courthouse, W. 920 Riverside Avenue, Room 752, Richland, Washington.

The purposes of this special prehearing conference are to identify the key issues to be considered in the proceeding; to take any steps necessary to further refine the issues; to consider all petitions to intervene; and to establish a schedule for further action in the proceeding.

Timely petitions for leave to intervene have been filed in these proceedings pursuant to 10 CFR 2.714 by: (1) Natural Resources Defense Council (NRDC); (2) National Wildlife Federal (NWF) and Oregon Environmental Council (OEC) (a joint petition); and Coalition for Safe Power (CSP) and Forelaws on Board (FOB) (a joint petition).

Under the terms of CFR 2.714(b) a petitioner must file "a supplement to his petition to intervene which must include a list of the contentions which petitioner seeks to have litigated in the matter, and the bases for each contention set forth with reasonable specificity. * * * A petitioner who fails to file such a supplement which satisfies the requirements of this paragraph with respect to at least one contention will not be permitted to participate as a party."

In an order which has been prepared and will be issued forthwith, this Board has found that CSP has the requisite interest in this proceeding and has adequately established standing through the residency of its member M. Terry Dana. Accordingly, CPS's intervention petition has been granted.

FOB has failed to show that it has any acceptable organizational interest nor has it identified any affected members. Consolidation with CPS in this matter is not sufficient. It has not established the necessary standing to intervene. Nor has it shown that it has any study or information that would allow it to make a significant contribution to this proceeding. In view of its failure to show a possible significantg contribution to the decision making process, FOB is not eligible for admission as a party in the Board's discretion.

However. FOB may cure the defects in its petition under Regulation 10 CFR 2.714(a)(3) if it is able to do so.

The Board has denied the NRDC petition because it has failed to make the required showing that it should be allowed to intervene as a matter of right or through the Board's discretion. The order confirming the denial is being issued.

The NWF/OEC petition for intervention has also been denied and an order to that effect is being issued.

The denial of the petitions referred to above are all subject to the right to amend the pleadings to cure the noted defects if the petitioners are able to do so. (10 CFR 2.714(a)(3)) Amended petitions must be filed 15 days prior to the date of the Special Prehearing Conference (10 CFR 2.741(a)(3)).

The public is invited to attend this special prehearing conference. No limited appearance statements will be received at this special prehearing conference. Such statements will be received at subsequent hearings to be designated.

It is so ordered.

Dated at Bethesda, Maryland this 2nd day of April, 1982.

For The Atomic Safety and Licensing Board.

John F. Wolf,

Chairman, Administrative Judge.

[FR Doc. 82-9545 Filed 4-7-82; 8:45 am]

BILLING CODE 7590-01-M

State of Texas; Discontinuance of Certain Regulatory Authority and Responsibility Within the State

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of amended agreement with State of Texas.

SUMMARY: Notice is hereby given that on March 12, 1982, the Honorable Nunzio J. Palladino, Chairman of the Nuclear Regulatory Commission, and that on March 24, 1982, the Honorable William P. Clements, Jr., Governor of the State of Texas, signed an Amendment to the existing section 274b. Agreement between NRC and the State of Texas pursuant to Section 274 of the Atomic Energy Act of 1954, as amended. The amendment permits the State to continue to regulate byproduct material as defined in section 11e.(2) of the Act (uranium mill tailings) in conformance with the requirements of section 274o. of the Act.

The proposed Amendment to the existing section 274b. Agreement was published in the **Federal Register** for public comment for four consecutivbe weeks beginning December 8, 1981 (46 FR 60075-60079). A minor change to the introductory text was made to conform the Amendment to the requirements of the "Stratton-Schmitt" amendment (Pub. L. 97-88). The amended agreement was modified to delete the following paragraph:

> Whereas, it is necessary to enter into this amendment in order to implement new requirements of Section 274 of the Act which become fully effective on November 8, 1981; and.

Public Law 97-88 makes it clear that such an amended agreement is not "necessary" for the State to continue to regulate uranium mill tailings after November 8, 1981. The following was inserted in its place:

> Whereas, the Governor of the State has requested this amendment in accordance with Section 274 of the Act; and.

The Amendment is published in accordance with the requirements of Pub. L. 86-373. A copy of the consolidated version of the Agreement is available at the Office of State Programs.

FOR FURTHER INFORMATION CONTACT: Craig Z. Gordon, Office of State

Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Phone: (301) 492-9886.

SUPPLEMENTARY INFORMATION:

Amendment To Agreement Between The United States Nuclear Regulatory Commission And The State Of Texas For Discontinuance Of Certain Commission Regulatory Authority And Responsibility Within The State Pursuant To Section 274 Of The Atomic Energy Act Of 1954, As Amended

Whereas, the United States Atomic Energy Commission [1] (hereinafter referred to as the Commission) entered into an Agreement (hereinafter referred to as the Agreement of January 10, 1963) with the State of Texas under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), which Agreement became effective on March 1, 1963 and provided for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in section 11e.(1) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State has requested this amendment in accordance with section 274 of the Act; and

Whereas, the Commission found on February 26, 1982, that the program of the State for the regulation of materials covered by this amendment is in accordance with the requirements of section 274o. of the Act and in all other respects compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, this amendment is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting on behalf of the State, as follows:

Section 1. Article I of the Agreement of January 10, 1963, is amended by adding "as defined in section 11e.(1) of the Act;" after the words "byproduct materials" in paragraph A., by redesignating paragraphs B. and C. as paragraphs C. and D., and by inserting the following new paragraph immediately after paragraph A.:

"B. Byproduct materials as defined in section 11e.(2) of the Act;".

Section 2. Article III of the Agreement of January 10, 1963, is amended by inserting "A." before the words "This Agreement," by redesignating paragraphs A. through D. as subparagraphs 1. through 4., and by adding the following at the end thereof:

"B. Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct materials as defined in section 11e.(2) of the Act:

"1. Prior to the termination of a State license for such byproduct material, or for any activity that results in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such materials have been met.

"2. The Commission reserves the authority to establish minimum standards governing reclamation, long term surveillance or maintenance, and ownership of such byproduct material. Such reserved authority includes:

"a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site:

"b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State at the option of the State (provided such option is exercised prior to termination of the license);

"c. The authority to permit use of surface or subsurface estates, or both, of the land transferred to the United States or the State pursuant to subparagraph B.2.b., of this Article;

"d. The authority to require the Secretary of the Department of Energy, other Federal agency, or State, whichever has custody of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures as are necessary to protect the public health and safety, and other actions as the Commission deems necessary; and

"e. The authority to enter into the arrangements as may be appropriate to assure Federal long term surveillance or maintenance of such byproduct material and its disposal site on land held in trust by the United States for any Indian tribe or land owned by an Indian tribe and subject to a restriction against alienation imposed by the United States.".

Section 3. Article III of the Agreement of January 10, 1963, is amended by inserting "otherwise licensable by the State under Article I of this Agreement" after the words "special nuclear material."

Section 4. Article VII of the Agreement of January 10, 1963, is amended by inserting "all or part of" after the words "terminate or suspend," by inserting "(1)" after the words "finds that," and by adding at the end before the period the following:

", or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with the provisions of section 274 of the Act.".

Section 5. Article VIII of the Agreement of January 10, 1963, is amended by redesignating it Article IX and by inserting a new Article VIII as follows:

"In the licensing and regulation of byproduct material as defined in section 11e.(2) of the Act, or of any activity which results in production of such material, the State shall comply with the provisions of section 274o. of the Act. If, in such licening and regulation, the State requires financial surety arrangements for the reclamation or long term surveillance or maintenance of such material,

"A. The total amount of funds the State collects for such purposes shall be transferred to the United States if custody of such material and its disposal site is transferred to the United States upon termination of the State license for such material or any activity which results in the production of such material. Such funds include, but are not limited to, sums collected for long term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and

"B. Such State surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long term management of such byproduct material and its disposal site.".

[1] Under the provisions of the Energy Reorganization Act of 1974, the regulatory functions formerly carried out by the Atomic Energy Commission are now carried out by the Nuclear Regulatory Commission as of January 19, 1975.

This amendment shall become effective on March 24, 1982.

Done at Austin, State of Texas, in triplicate, this 24th day of March 1982.

For The State of Texas

William P. Clements, Jr.,

Governor.

Done at Washington, District of Columbia, in triplicate, the 12th day of March 1982.

For The United States Nuclear Regulatory Commission.

Nuzio J. Palladino,

Chairman.

Dated at Bethesda, Maryland, this 1st day of April, 1982.

For The United States Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

[FR Doc. 82-9546 Filed 4-7-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

March 29, 1982.

OMB has received for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether section 3504(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Economics and Statistics Service
Cotton Distribution Survey
Nonrecurring
Businesses of other institutions
Cotton Warehouses: 400 responses; 200 hours; not applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

• Food and Nutrition Service
School Nutrition Application Pilot Project
Nonrecurring
Individuals or households/State or local governments
Hsehlds/children part. In the free and reduced price, et: 936 responses; 702 hours; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Revisions

• Agricultural Marketing Service
7 CFR 59, Regulations Governing the Inspection of Eggs and Egg Products
PY-214, PY-156, PY-518-1, PY-24, PY-155, and PY-222
On occasion; weekly; monthly; quarterly
Businesses of other insititutions
Egg products processing plants, shell egg and egg handlers, etc.: 75,814 responses; 7,942 hours; not applicable under 3504(h)
Charles A. Eilett, 202-395-7340

• Economics and Statistics Service
Annual Farm Labor Survey
2
Annually
Farms/businesses or other institutions
Farm and agricultural service operators: 8,430 responses; 1,882 hours; not applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

• Food and Nutrition Service
Status of Claims Against Households
FNS-209
Quarterly
State or local governments
State income maintenance agencies: 212 responses; 530 hours; not applicable under 3504(h)
Neil Minow, 202-395-7340

Extensions (Burden Change)

• Agricultural Marketing Service
7 CFR 59, Regulations Governing the Inspection of Eggs and Egg Products—Recordkeeping
On occasion
Businesses or other institutions
Shell egg and egg handlers, egg products processing, etc.: 6,241 responses; 2,482 hours; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

• Agricultural Marketing Service
Washington Peaches—Marketing Order No. 921
On occasion
Businesses or other institutions
Washington peach handlers under marketing order 921: 283 responses; 10 hours; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202-633-9770

New

• Conservation and Solar Energy
Residential Conservation Service Reporting
Requirements
CE-478R A, B
Annually
State or local governments/businesses or other institutions
State governments and nonregulated utilities: 82 responses; 13,804 hours; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202-343-6191

Revisions

• Office of Surface Mining Reclamation and Enforcement
Consent for Entry on Private Land 30 CFR 877.11, 877.12(B) and 877.13(C)
Nonrecurring
State or local governments
States and tribal abandoned mine land reclamation agencies: 13 responses; 65 hours; not applicable under 3504(h)
William T. Adams, 202-395-4814

Extensions (Burden Change)

• Bureau of Land Management
Outer Continental Shelf Minerals and Rights-of-Way Management
1140-7 & 1140-8
On occasion
State or local governments/businesses or other institutions
Oil and gas industry, State and local governments, etc: 4,047 responses; 66,992 hours; not applicable under 3504(h)
William T. Adams, 202-395-4814

Reinstatements

• Office of Surface Mining Reclamation and Enforcement

30 CFR 795—Permanent Regulatory Program for Small Operater Assistance
Part 795
Annually
Businesses or other institutions
Laboratories, coal companies: 1,200 responses; 68,100 hours; not applicable under 3504(h)
William T. Adams, 202–395–4814

• Office of Surface Mining Reclamation and Enforcement
30 CFR Part 788—Permit Reviews, Revisions, and Renewals and Transfer, Sale, and Assignment Rights Granted Under Permits
On occasion
State or local governments/businesses or other institutions
Coal mine operations: 2,100 responses; 28,800 hours; not applicable under 3504(h)
William T. Adams, 202–395–4814

• Office of Surface Mining Reclamation and Enforcement
30 CFR Part 822—Special Permanent Program Performance Standards—Operations in Alluvial Valley Floors
Monthly, annually
Businesses or other institutions
Coal mine operations: 280 responses; 1,690 hours; not applicable under 3504(h)
William T. Adams, 202–395–4814

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Pension Benefit Guaranty Corporation
Supplemental Guarantee Program
Nonrecurring
Businesses or other institutions
Multiempl. plans applying for coverage, etc.: 150 responses; 750 hours; NPRM under 3504(h)
Laverne V. Collins, 202–395–6880

Extensions (Burden Change)

• Employment Standards Administration
Agreement and Undertaking (Form OWCP–1)
OWCP–1
On occasion, annually
Businesses or other institutions
Coal mine oper. seeking auth. to self-insure, etc.: 425 responses; 106 hours; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Extensions (No Change)

• Bureau of Labor Statistics
BLS/OSHS Federal/State Statistical Grant (Application Form)
Standard 424
Annually
State or local governments
State agencies involved in safety and health statistics: 48 responses; 384 hours; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Research and Special Programs Administration
Cylinder Test Reports
On occasion
Businesses or other institutions
Compressed gas cylinder manufacturers: 2,712 responses; 2,712 hours; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

• Coast Guard
Letter Documenting Qualifications of Tankerman Applicants
On occasion
Individuals or households/businesses or other institutions
Applicants for tankerman endorsement: 2,412 responses; 2,412 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

• Coast Guard
Pilot Exam
CG 4814
On occasion
Individuals or households
Applicants for original pilot's license: 1,017 responses; 8,136 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

• Coast Guard
Radar Observer Exam—Original
CG 4814
On occasion
Individuals or households
Applicants for radar observer endorsement: 1,100 responses; 2,200 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

• Coast Guard
Qualified Members of the Engineering Department (QMED) Examination
CG 4814
On occasion
Individuals or households
Applicants for engineering depart. endorsement: 3,718 responses; 7,436 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

• Coast Guard
Able Seaman Examination
CG 4814
On occasion
Individuals or Households
Applicants for able seaman endorsement: 3,520 responses; 7,040 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

• Coast Guard
Deck officer Exams—Original
CG–5164
On Occasion
Individuals or Households
Applicants for original issue deck officer license: 2,006 responses; 49,147 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

• Coast Guard
Licenses and Certificate of Registry for Merchant Marine Personnel
CG–5205 4865, 5206, 2849, 3750, 2987, 887
Other-see SF83
Individuals or Households
Persons applying for original, renewal/upgrade license: 26,674 responses; 2,134 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

• Coast Guard
Uninspected Towing Vessel Operator Examinations
CG–4814
On occasion
Individuals or households
Applicants for operator uninspected towing license: 3,588 responses; 28,704 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Revisions

• Coast Guard
Course Approvals, Radar Observer Schools
Other-see SF83
Businesses or other Institutions
Training schools for merchant marines: 5 responses; 10 hours; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

• Coast Guard
Rules of the Road Exercise for Renewal of Operator.
Motorboat and Ocean Operation License
CG–4814
On occasion
Individuals or households
Applicants for motorboat operator: 3,363 responses; 3,363 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

• Coast Guard
Course Approvals, Merchant Marine Training
On Occasion, other -see SF83
Businesses or other institutions
Training schools for merchant marines: 10 responses; 40 hours; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

• Coast Guard
Master/Mate Uninspected Vessel Exams
CG 4814
On occasion
Individuals or households
Applicants for master or mate of uninspected vessels license: 1,001 responses; 12,012 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

• Coast Guard
Operator Original License Examinations (Operator, Motorboat Operator, Ocean Operator)
CG–4814
On occasion
Individuals or households
Applicants for original operator license: 6,050 responses; 48,400 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

• Coast Guard
Signalling Examination for original deck officer license
CG 4814
On occasion
Individuals or households
Applicants for original decl officer license: 610 responses; 610 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

• Coast Guard
Coast Guard Intelligence Agency Check Request
CG 2765
On occasion
Individuals or households
Alien U.S. merchant mariners: 750 responses; 375 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340.

• Coast Guard
Lifeboatman Examination
CG 4814 Answer Sheet
On occasion
Individuals or households
Applicants for lifeboatman endorsement: 1,859 responses; 1,859 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340.

• Coast Guard
Engineer Officers Original Examinations (Chief Engineer, First Assistant, Second Assistant, Third Assistant)
CG 5164
On occasion
Individuals or households
Applicants for engineer officer licenses: 2,820 responses; 69,090 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340.

Extension (No Change)

• Coast Guard
Application for Coast Guard Port Security Card
CG–2685
Other—See SF83
Individuals for households
Civilian workers: 8,000 responses; 2,000 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Revisions

• Internal Revenue Service
U.S. Additional Estate Tax Return
706–A
Nonrecurring
Individuals or households
Individuals only: 500 responses; 2,407 hours; not applicable under 3504(h)
Karen P. Sagett, 202–395–6880.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—202–673–6042

Extensions (Burden Change)

• Part 291—Domestic Cargo Transportation
291–A, 291–B, 291–C
Semiannually
Businesses or other institutions
Domestic air carriers: 140 responses; 3,360 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340.

• Part 291—Domestic Cargo Transportation
Semiannually
Businesses or other institutions
Domestic air carriers: 1 responses; 850 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340
• Part 380—Public Charters
380–B 380–C 380–D
On occasion
Businesses or other institutions
Air carriers and charter operators: 1,500 responses; 1,500 hours; not applicable under 3504(h)
Wayne Leiss, 202–395–7340.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202–287–9906

New

• Updated Unreported Residential fire Study
Nonrecurring
Individuals or households
National probability sample of households: 42,000 responses; 1,429 hours; not applicable under 3504(h)
Robert Veeder 202–395–4814
• Smoke Detector Survey, Follow-up, Nonrecurring
Individuals or households
Standard random sample of households: 1,200 responses; 247 hours; not applicable under 3504(h)
Robert Veeder 202–395–4814
• Survey Instrument—Testing Alerting and Notification System
Annually
Individuals or households
Residents in plume exposure planning zones: 105,000 responses; 7,500 hours; not applicable under 3504(h)
Robert Veeder 202–395–4814

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202–632–7720

New

• Application for Deferred Retirement On or Before Sept. 30, 1956—Application for Deferred Retirement On or After Oct. 1, 1956
Form 1496, 1496A
On occasion
Individuals or households
Individuals Applying For Deferred Retirement: 4,400 responses; 2,200 hours; not applicable under 3504(h)
Robert Veeder 202–395–4814

SELECTIVE SERVICE SYSTEM

Agency Clearance Officer—Clarence B. Boston—202–724–0683

New

• Uncompensated Registrar Appointment
SSS Form 402
Nonrecurring
Individuals or households
U.S. Citizens 18 yrs. old or older residing in foreign ctys: 120 responses; 4 hours; not applicable under 3504(h)
Kenneth B. Allen 202–395–3785

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene B. Mynatt—615–715–2146

Reinstatements

• Farmer Questionnaire—Vicinity of Nuclear Power Plant
9476
Semiannually—annually
Individuals or households/farms
Farmers and rural residents: 1,200 responses; 1,200 hours; not applicable under 3504(h)
Anita T. Ducca 202–395–7340

Nathaniel Scurry,

Chief, Reports Management.

[FR Doc. 82–9054 Filed 4–7–82; 8:45 am]
BILLING CODE 3110–01–M

Agency Forms Under Review

March 31, 1982.

OMB has received for review the following proposals for the collection of information under the provisions of the

Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available; (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether section 3504(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

Extensions (Burden Change)

• Agricultural Marketing Service
Florida Limes—Marketing Order No. 911
Annually
Businesses or other institutions
Florida lime producers and handlers under marketing order 911; 98 responses; 3 hours; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Extensions (No Change)

• Forest Service
Application for Temporary Employment, Form FS-6100-23
FS-6100-23
Annually
Individuals or households
Application for temporary employment; 100,000 responses; 75,000 hours; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

• Agricultural Marketing Service
Oregon-Washington Bartlett Pears—Marketing Order No. 931
Weekly, other—see SF83
Businesses or other institutions
Washington-Oregon fresh bartlett pear hndlrs, etc.; 245 responses; 261 hours; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

• Agricultural Marketing Service
Hawaiian Papayas—Marketing Order 928
Monthly, annually
Businesses or other institutions
Hawaiian papaya producers, handlers, and processors, etc.; 965 responses; 539 hours; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

• Agricultural Marketing Service
Washington Apricots—Marketing Order No. 922
On occasion
Businesses or other institutions
Washington apricot handlers under marketing order 921:80 responses; 3 hours; not aplicable under 3504(h)
Charles A. Eillett 202-395-7340

• Agricultural Marketing Service
Marketing Order 929—Cranberries Grown in States of MA, RI, CT, NJ, WI, MI, MN, OR, WA, and Long Island in the State of New York
On occasion, semiannually, annually
Farms businesses or other institutions
Cranberry growers & handlers under marketing order 929: 2,924 responses; 205 hours; not applicable under 3504(h)
Charles A. Eilett 202-395-7340

• Agricultural Marketing Service
California-Arizona Valencia Oranges—Marketing Order No. 908
On occasion, annually
Farms/businesses or other institutions
California-Arizona valencia orange growers, handlers, etc.: 106,957 responses; 21,608 hours; not applicable under 3504(h)
Charles A. Eilett 202-395-7340

• Agricultural Marketing Service
Grapes Grown in a Designated Area of Southeastern California—Marketing Order No. 925
On occasion, weekly
Farms/businesses or other institutions
California desert grape producers & handlers, etc.: 570 responses; 37 hours; not applicable under 3504(h)
Charles A. Eilett 202-395-7340

• Agricultural Marketing Service
Irish Potatoes Grown in Colorado (Marketing Order No. 948)
On occasion
Farms/businesses or other institutions
Potato handlers in the production area: 426 responses; 13 hours; not applicable under 3504(h)
Charles A. Eilett 202-395-7340

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

New

Economic and Statistical Analysis
Consumption (Usage) of Industrial Diamond Stones, Crushing Bort, Grit and Powder, Synthetic and Natural, and Reclaiming of Crushing Bort, Grit and Powder
BIE-992
Other—see Sf83
Businesses or other institutions
Consumers and reclaimers: 375 responses; 375 hours; not applicable under 3504(h)
Statistical Policy Branch 202-395-7313

DEPARTMENT OF ENERGY

Agency Clearance Officer— John Gross—202-633-9770

New

• Energy Information Administration
Annual Oil & Gas Well Operator List Update
EIA-23P
Annually
Businesses or other institutions
Oil and gas operators: 2,333 responses; 583 hours; not applicable under 3504(h)
Jefferson B. Hill 202-395-7340

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

• Alcohol, Drug Abuse, and Mental Health Administration
Evaluation of the Psychopharmacology Bulletin
Nonrecurring
Individuals or households/businesses or other institutions
Readers of the psychopharmacology bulletin: 1,204 responses; 506 hours; not applicable under 3504(h)
Fay S. Iudicello 202-395-3090

• Social Security Administration
State Profile Sheet—State Supplementation Programs for the Aged, Blind and Disabled
SSA-4965 (2-82)
Biennially
State or local governments
State agencies administering supplementary payment programs: 25 responses; 25 hours; not applicable under 3504(h)
Richard Eisinger 202-395-6880

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312

New

Office of Justice Assistance, Research and Statistics
Sample Survey of Local Jails
CJ–5
Annually
State or local governments
Sample survey of local jails: 685 responses; 171 hours; not applicable under 3504(h)
Andy Uscher 202–395–4814

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

New

- EPA Performance Audit Program for Evaluation of Ambient and Source Air Measurements (865)

Semiannually, annually
State or local governments/businesses or other institutions
State, local & private air pollution monitoring agencies: 4,600 responses; 9,200 hours; not applicable under 3504(h)
Robert Shelton 202–395–7340

FEDERAL MEDIATION AND CONCILIATION SERVICE

Agency Clearance Officer—Ted M. Chaskelson—202–653–5211

Extensions (Burden Change)

- Arbitrator's Report and Fee Statement

FMCS R–19
On occasion
Individuals of households
Federal arbitrators appointed by FMCS: 14,000 responses; 3,500 hours; not applicable under 3504(h)
Laverne V. Collins 202–395–6880

Arbitrator's Personal Data Questionnaire
R–22
On occasion
Individuals or households
Applicants to the FMCS arbitrator roster: 500 responses; 750 hours; not applicable under 3504(h)
Laverne V. Collins 202–395–6880

Extensions (No Change)

- Request for Arbitrator Panel

On occasion
State or local governments/businesses or other institutions
Public sector and private sector unions: 26,000 responses; 13,000 hours; not applicable under 3504(h)
Laverne V. Collins 202–395–6880

- Notice to Federal Mediation and Conciliation Service

F–53
On occasion
State or local governments/businesses or other institutions
Federal, State, local and private sector unions: 600 responses; 300 hours; not applicable under 3504(h)
Laverne V. Collins 202–395–6880

- Notice to Agencies of Pending Need for Mediation

FMCS F–7
On occasion
State or local governments/businesses or other institutions
State, local, Fed. employee unions and private sector unions: 100,000 responses; 50,000 hours; not applicable under 3504(h)
Laverne V. Collins 202–395–6880

Nathaniel Scurry,

Chief, Reports Management.

[FR Doc. 82–9055 Filed 4–7–82; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22444; (70–6719)]

The Connecticut Light and Power Co.; Proposed Issuance and Sale of Preferred Stock

April 2, 1982.

Connecticut Light and Power Company ("CL&P"), 107 Selden Street, Berlin, Connecticut 06037, an electric and gas subsidiary of Northeast Utilities, a registered holding company, has filed a declaration with this Commission, pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

CL&P proposes to issue and sell not later than June 30, 1982, up to $40,000,000 principal amount of Preferred Stock, Series M ("Preferred Stock"), at $50 par value. The terms will be determined by competitive bidding. However, if market conditions make competitive bidding inadvisable, CL&P will seek Commission authorization to issue and sell the bonds through a negotiated public offering.

The number of shares of Preferred Stock to be issued and sold will be established by resolutions adopted by CL&P's Board of Directors amending its Certificate of Incorporation to establish the provisions with respect to the Preferred Stock. The terms shall include a provision that none of the Preferred Stock shall be redeemed prior to a date approximately five years after issuance if such redemption is for the purpose of or in anticipation of refunding such Preferred Stock through the use, directly or indirectly, of funds borrowed by CL&P or of the proceeds of the issue by CL&P of shares of any stock ranking prior to or on a parity with the Preferred Stock as to dividends or assets, if such borrowed funds or shares have an effective interest cost or effective dividend cost to CL&P of less than the effective dividend cost to CL&P of the Preferred Stock.

The net proceeds from the issuance and sale of the Preferred Stock will be used to repay, in part, short-term borrowings which were incurred to finance CL&P's construction program, to refinance an $85 million first mortgage bond issue that matured on February 1, 1982, and for general working capital purposes.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 26, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–9496 Filed 4–7–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12348; (812–5099)]

Connecticut Mutual Liquid Account, Inc.; Filing of an Application

April 2, 1982.

Notice is hereby given that Connecticut Mutual Liquid Account, Inc. ("Applicant"), 140 Garden Street, Hartford, Connecticut 06115, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on February 1, 1982, for an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and

22c-1 under the Act to the extent necessary to permit Applicant to calculate its net asset value per share using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant represents that it was organized as a Maryland corporation on December 9, 1981. Its investment objective is to seek preservation of capital, liquidity and the highest possible current income consistent with the foregoing objectives by investing in short-term money market securities. Applicant states that it will invest in short-term debt obligations consisting exclusively of securities issued or guaranteed by the United States Government or its agencies or instrumentalities; negotiable certificates of deposit issued by banks subject to regulation by the United States Government including domestic branches of foreign banks; bankers' acceptances; bank time deposits; high grade commercial paper, including master notes; repurchase agreements covering United States Government obligations or certificates of deposit; Eurodollar certificates of deposit and time deposits; floating rate notes; and documented discount notes.

Connecticut Mutual Financial Services, Inc., all of whose outstanding stock is owned by Connecticut Mutual Life Insurance Company, is Applicant's investment adviser and principal underwriter.

Applicant seeks an order of the Commission pursuant to Section 6(c) of the Act exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant's assets to be valued according to the amortized cost valuation method.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states, in support of the exemptive relief requested, that its board of directors has concluded that it would be in the best interest of the shareholders of Applicant to use "amortized cost" valuation to maintain the constant $1.00 share value. Applicant will be more comparable to other money market fund investments if it maintains a constant net asset value per share. Applicant asserts that amortized cost valuation, absent unusual circumstances, represents the fair value of Applicant's portfolio securities.

Applicant has agreed to the following conditions to any order granting the exemptions requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share, provided, however, that Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value, which may include, among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will include in the minutes of its directors' meetings and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above. The documents preserved pursuant to this condition, shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any such action was taken, Applicant will describe the nature and circumstances of such action.

Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 27, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–9496 Filed 4–7–82; 8:45 am]

BILLING CODE 8010–01–M

average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 12350; (812–5111)]

Family Life Insurance Co.; Merrill Lynch Variable Annuity Account; and Merrill Lynch, Pierce, Fenner & Smith, Inc.; Filing of Application

April 2, 1982.

Notice is hereby given that Family Life Insurance Company (the "Company"), Merril Lynch Variable Annuity Account (the "Account"), Park Place, Seattle, Washington 98101, and Merrill Lynch, Pierce, Fenner & Smith, Incorporated ("MLPF&S") One Liberty Plaza New York, N.Y. 10080, (together, "Applicants"), filed an application on February 11, 1982, and an amendment thereto on March 29, 1982, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") granting exemptions to the extent requested from Section 2(a)(32), 2(a)(35), 12(d)(1), 22(c), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rules 22c–1 thereunder and, pursuant to Section 11 of the Act, approving certain offers of exchange. The Company is a stock life and disability insurance company organized under the laws of Washington and is a wholly-owned subsidiary of Merrill Lynch & Co., Inc. The Account is a separate account of the Company established for the purpose of funding certain variable annuity contracts issued by the Company ("Contracts") and is registered under the Act as a unit investment trust. MLPF&S, a wholly-owned subsidiary of Merrill Lynch & Co., Inc., is the principal underwriter of the Contracts. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein which are summarized below.

Applicants previously sought and were granted an order by the Commission (Investment Company Act Release No. 11508, December 23, 1980) exempting them from the provisions of Sections 2(a)(32), 2(a)(35), 12(d)(1), 22(c), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c–1 thereunder and approving certain offers of exchange pursuant to Section 11 (the "1980 Order"). In the application requesting that order, Applicants stated that the assets of the Account would be invested in shares of five diversified open-end management investment companies: Merrill Lynch Basic Value Fund, Inc., Merrill Lynch Special Value Fund, Inc., Merrill Lynch Ready Assets Trust, Merrill Lynch Capital Fund, Inc., and Merrill Lynch Corporate Bond Fund, Inc. Subsequently, as a result of Revenue Ruling 81–225 issued by the Internal Revenue Service, the Company substituted shares of Merrill Lynch Reserve Assets Fund, a series of Merrill Lynch Variable Series Funds, Inc., for all shares of Merrill Lynch Ready Assets Trust then held by the Account. This substitution was made in reliance upon paragraph (f) of Rule 6c–6(T) under the Act. Five additional portfolio series of Merrill Lynch Variable Series Funds, Inc., have been designated as follows: Merrill Lynch U.S. Government Money Fund, Merrill Lynch Prime Bond Fund, Merrill Lynch High Current Income Fund, Merrill Lynch Quality Equity Fund, and Merrill Lynch Equity Growth Fund. Applicants represent that except for Merrill Lynch U.S. Government Money Fund ("Government Money Fund"), each such portfolio series will constitute a "new portfolio company" as defined in paragraph (a) of Rule 6c–6(T), and shares of each will be made available for investment by the Account in reliance upon paragraph (b) of the rule. Applicants state that the Company, in reliance upon paragraph (f) of Rule 6c–6(T), will substitute shares of each new portfolio company for all shares of the corresponding portfolio company now held by the Account.

The Government Money Fund is a money market portfolio the investment objective of which is to seek preservation of capital, liquidity and current income available from investing in a diversified portfolio of short-term marketable securities which are issued or guaranteed by the United States Government or its agencies and in repurchase agreements pertaining to

such securities. Applicants state that the Government Money Fund will not be a "new portfolio company" as defined in paragraph (a) of Rule 6c–6(T), since its investment policies are not identical to those of any existing portfolio held by the Account and since it is questionable whether such Fund can be properly viewed as one designed to minimize the impact of Revenue Ruling 81–225 on contract owners.

Relief Requested

Contracts issued prior to September 25, 1981 permit an owner to allocate all or a portion of each purchase payment among two or more of the sub-accounts of the Account for investment in shares of two or more of the underlying investment companies or portfolios thereof. Each underlying investment company or portfolio series thereof has two sub-accounts, one for qualified and one of non-qualified Contracts. The Contracts issued prior to September 25, 1981 also provide that an owner may transfer all or part of the contract value from one sub-account to another subject to certain restrictions set forth in the Contracts. The Company intends to modify Contracts issued subsequent to September 25, 1981, which are presently invested solely in shares of Merrill Lynch Reserve Assets Fund, to permit investment in other portfolios of Merrill Lynch Variable Series Funds, Inc., and to permit transfers between sub-accounts in accordance with Contract provisions.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or a principal underwriter for such a company to make or cause to be made an offer to holder of a security of such the company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c), in part, provides that the provisions of subsection (a) shall be applicable, irrespective of the basis of exchange, to any type of offer of exchange of the securities of a registered unit investment trust for the securities of any other investment company.

In view of the additional sub-accounts which will be established, Applicants request an amendment to that portion of the 1980 Order issued pursuant to Section 11 to permit transfers among sub-accounts including sub-accounts invested in the Government Money Fund. Applicants state that the reasons set forth in their application for the 1980 Order in support of the Section 11 request are equally applicable to the pending application.

The 1980 Order also granted pursuant to Section 6(c) exemptions from Sections 2(a)(32), 1(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 thereunder to permit the issuance and sale of Contracts with a contingent deferred sales charge and to permit payments thereunder to be held by the Company rather than by a bank as trustee or custodian.

Section 2(a)(32) of the Act, in substance, defines a redeemable security as a security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities.

Rule 22c–1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. Section 27(c)(1) of the Act, in pertinent part, makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor or underwriter of such company, to sell any such certficate unless it is a redeemable security.

Section 27(c)(2) of the Act provides, in substance, that the issuer of a periodic payment plan certificate and a depositor of, or underwriter for, such an issuer are prohibited from selling any such certificates unless, among other things, the proceeds of all payments, other than the sales load, on the certificates are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) of the Act and are held by such trustee or custodian under an agreement containing, in substance, the trust indenture provisions required by Section 26(a)(2) and 26(a)(3) of the Act. Section 26(a)(2)(C) of the Act provides that no payment to the depositor of, or principal underwriter for, a registered unit investment trust (or to any affiliated person or agent of such depositor or principal underwriter) shall be allowed the trustee or custodian as an expense except for payment of a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services of a character normally performed by the trustee or custodian.

Section 27(d) of the Act, in substance, requires that the holder of periodic payment plan certificate be able to surrender his certificate within a specified period of time and receive the value of his account and the return of sales charges in excess of a certain percentage.

Applicants assert that the proposed addition of the Government Money Fund as an eligible investment for the Account is not a material change in the facts and circumstances relevant to the exemptions granted from such sections and rule so as to require an amended order in respect thereof. However, Applicants state that in order to avoid any question as to the continuing validity of the other exemptions granted by the 1980 Order, they are requesting an amendment to the prior order with respect to Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 thereunder to permit the Account's investment in shares of the Government Money Fund.

Section 12(d)(1)(A) of the Act, in part, makes it unlawful for a registered investment company (the "acquiring company") to acquire any security issed by any other investment company (the "acquired company") if, after such acquisition, the acquiring company, alone or together with other companies controlled by it, owns (i) more than three percent of the total outstanding voting stock of the acquired company; (ii) securities of the acquired company having an aggregate value in excess of five percent of the value of the acquiring company's assets; or (iii) securities of the acquired company and other investment companies having an aggregate value in excess of ten percent of the value of the acquiring company's assets. Section 12(d)(1)(B) of the Act makes it unlawful for a registered open end investment company (the "acquired company") or its principal underwriter knowingly to dispose of any security issued by the acquired company to any other investment company (the "acquiring company") if, immediately after such disposition, more than (i) three percent of the total outstanding voting stock of the acquired company is owned by the acquiring company and any companies controlled by it; or (ii) ten precent of the total outstanding voting stock of the acquired company is

owned by the acquiring company and other investment companies and companies controlled by them.

Applicants state that if the Account is permitted to invest in shares of the Government Money Fund, the Account will own more than three percent and ten percent of the total outstanding voting stock of the Government Money Fund in violation of Sections 12(d)(1)(A)(i) and 12(d)(1)(B) (i) and (ii), and it is anticipated that more than five percent of the Account's assets will consist of shares of the Government Money Fund in violation of Section 12(d)(1)(A)(ii). Applicants also state that, as is now the case, all of the Account's assets will be invested in investment company securities which, absent exemption, would be prohibited by Section 12(d)(1)(A)(iii). Applicants state that the reasons set forth in the application for the 1980 Order in support of the exemption from the provisions of Section 12(d)(1) are equally applicable to the pending application. Applicants state that in view of the uncertainty as to the relief afforded by Section 12(d)(1)(E) of the Act, they request an amendment to the 1980 Order with respect to Section 12(d)(1) of the Act to permit the Account's investment in shares of the Government Money Fund.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction or any class or classes of persons, securities or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants contend that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 27, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following April 27, 1982, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–9497 Filed 4–7–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12351; (812–5068)]

The Guardian Insurance & Annuity Company, Inc., et al.; Application

April 2, 1982.

NOTICE IS HEREBY GIVEN that The Guardian Insurance & Annuity Company, Inc. ("Company"), The Guardian Separate Account A ("Account"), Guardian Investor Services Corporation ("Investor Services"), 201 Park Avenue South, New York, N.Y. 10003, and Value Line Securities, Inc. ("Value Line") 711 Third Avenue, New York, N.Y. 10017, (hereinafter collectively referred to as "Applicants"), filed an application on December 30, 1981, and an amendment thereto on March 25, 1982, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") granting exemptions to the extent requested from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 26(a)(2)(C), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c–1 thereunder.

The Account, a separate account of the Company, is registered under the Act as a unit investment trust. The Company is the sponsor-depositor for the Account. The Account was established for the purpose of funding single premium and flexible premium individual deferred variable annuity contracts. Investor Services and Value Line are the principal underwriters of the contracts. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Applicants state that the application was filed to permit Applicants to offer flexible premium contracts ("Contracts") the provisions of which are similar or identical to those of the single premium contracts currently being issued. Applicants have previously been granted an exemptive order of the Commission (Investment Company Act Release No. 11788, dated May 21, 1981) in connection with such single premium contracts. This exemptive order was extended to Separate Account A pursuant to Temporary Rule 6c–6(T) and a no-action letter, dated January 5, 1982. Each investor's payments under the Contracts will be allocated to one of the Separate Account Divisions. The Separate Account contains two divisions: one for funding tax-qualified retirement plans and one for funding non-tax qualified retirement plans. Each division invests in the shares of The Guardian Cash Fund, Inc. ("Fund"), an open-end diversified management investment company registered under the Act.

The minimum initial purchase payment under the Contracts is $500, with additional payments of at least $100 accepted. However, if the Contract is purchased by or in connection with an employer sponsored plan or through employee payroll deductions, the minimum initial payment is $50. The Company does not impose an initial sales charge on purchase payments. If, however, a Contract is totally or partially surrendered during certain years, a contingent deferred sales charge is applied as a means for the Company to recover its sale expenses. The contingent deferred sales charge for the Contracts will be the lesser of 5% of the total payments made during the 72 months immediately preceding the date of withdrawal, or 5% of the amount being withdrawn. In any Contract year after the first, 10% of the total premiums paid under the Contract in the last 72 months immediately preceding the date of the withdrawal can be withdrawn without application of the charge. The maximum amount of the contingent deferred sales charge during the 72 months immediately preceding the date of withdrawal will never exceed 5% of the total of payments made during such period. If a contractowner requests a partial redemption that would result in reducing the value of his Contract to less than $250 on the date of redemption, the Company will redeem the total Contract and pay the remaining balance to the contractowner. Such involuntary surrender would be subject to the contingent deferred sales charge if the change would otherwise be applied.

Other charges under the Contracts include applicable state premium taxes, and charges for the Company's administrative expenses and for its assumption of mortality and expense risks. Applicants state that premium taxes will be deducted either from Contract payments or from the Contract value upon annuitization as determined by applicable state law. Applicants further state that prior to annuitization, the Company will deduct an administrative charge of $35 from the Contract value as of each anniversary of the issue date. Finally, Applicants state that for assuming a mortality risk, including a Death Proceeds risk, and an expense risk, the Company will make a daily charge of 1% on an annual basis against the value of the assets of each subdivision of the Account. Of this charge, .65% will be for the mortality risks and .35% will be for expense risks.

Applicants state that all assets of the Account are held in custody for safekeeping by the Account. The assets of each Division of the Account will be kept physically segregated and held separate and apart from assets of other Divisions. Shares of the Fund in each Account Division, if issued, may be left on deposit with the shareholder servicing agent of the Fund. The Account will maintain a record of all purchases and redemptions for shares of the Fund held in each Account Division.

Relief Requested

Contingent Deferred Sales Charge

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Applicants request an exemption from the provisions of Section 2(a)(35) to the extent necessary to permit the offer of the Contracts with the described contingent deferred sales charge.

Section 27(c)(2) of the Act provides, in substance, that the issuer of a periodic payment plan certificate and a depositor or underwriter for such an issuer are prohibited from selling any such certificates unless, among other things, the proceeds of all payments, other than the sales load, on the certificates are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) and are held by such trustee or custodian under an agreement containing, in substance, the trust indenture provisions required by Sections 26(a)(2) and 26(a)(3) of the Act. Section 26(a)(2)(C) of the Act provides that no payment to the depositor of, or principal underwriter for, a registered unit investment trust (or to any affiliated person or agent of such depositor or principal underwriter) shall be allowed the trustee or custodian as an expense except for payment of a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services of a character normally performed by the trustee or custodian. Applicants request an exemption from the provisions of these sections to the extent necessary in order to permit the offer and sale of the Contracts with the described contingent deferred sales charge.

Section 2(a)(32) of the Act, in substance, defines a redeemable security as a security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(d) of the Act, in substance, requires that the holder of a periodic payment plan certificate to able to surrender his certificate within a specified time and receive the value of his account and the return of sales charges in excess of a certain percentage. In order to resolve any issues concerning the applicability of Sections 2(a)(32) and 27(d), exemptive relief is sought from those sections.

Section 27(c)(1) of the Act, in pertinent part, makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor or underwriter of such company, to sell any such certificate unless it is a redeemable security. Applicants request the necessary exemption from Section 27(c)(1) of the Act.

Rule 22c–1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. Applicants seek an exemption from Rule 22c–1 in order to avoid any doubt about the possibilities of an adverse interpretation of that rule.

Sections 26(a) and 27(c)(2)

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank or trustee or custodian having the qualifications prescribed in Section 26(a)(1) and held under an indenture or agreement containing, in substance, the provisions required by Sections 26(a) (2) and (3) for the trust indenture of a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the unit investment trust income and corpus. As pertinent here, Section 26(a)(2)(C) provides, in substance, that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian bank as an expense, except a fee, not exceeding such bookkeeping and other administrative services normally performed by the custodian.

Applicants request exemptions from Sections 26(a) and 27(c)(2) of the Act in order that: (1) assets of the Account may be held under the terms and conditions and subject to the fees and charges (including the asset charge and any premium tax charges) set forth in the application rather than by a trustee or custodian pursuant to an indenture or agreement as provided in those sections; (2) certificates for shares of the underlying mutual funds may be held in an "open account" system; and (3) assets of the Account, although segregated, will not be required to be held in trust. Applicants consent to the foregoing exemptions being made subject to the following conditions: (1) that deductions under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payments of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the

protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants contend that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 26, 1982 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally by mail upon the Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 26, 1982 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-9528 Filed 4-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22437; 70-6706]

New England Electric System and The Narragansett Electric Co.; Proposal To Increase Short-Term Borrowing Authority

March 31, 1982.

The New England Electric System ("NEES"), a registered holding company, and one of its subsidiaries, The Narragansett Electric Company ("Narragansett"), 25 Research Drive, Westborough, Massachusetts 01581, have amended an application-declaration currently on file with this Commission pursuant to Sections 6(a), 7, 9(a), 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42(a), 43, 45(a), 50(a)(2), 50(a)(3) and 50(a)(5) thereunder.

By order dated March 31, 1982 Narragansett was authorized to borrow from NEES, banks and a system money pool, through March 31, 1983, up to an aggregate outstanding principal amount of $8,000,000 (HCAR No. 22438). Narragansett has now filed an amendment seeking to increase its borrowing authorization through March 31, 1983 from $8,000,000 to $14,000,000 in aggregate outstanding principal amount. Narragansett asserts that due to unanticipated fuel costs experienced by its wholesale suppliers, it has experienced a lag during the first quarter of 1982 in recovery of in excess of $7 million of its own fuel costs. It is anticipated Narragansett will recover this amount through future adjustments to the fuel clause.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 26, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will recieve a copy of any notice or order issued in this matter. After said date the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-9498 Filed 4-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22443; 70-6715]

Northeast Utilities Service Co.; The Rocky River Realty Co.; Northeast Utilities; Proposed Guarantee by Holding Company of Subsidiary's Lease

April 2, 1982.

Northeast Utilities ("UN"), 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, a registered holding company, and two of its subsidiaries, Northeast Utilities Service Company ("NUSCO") and The Rocky River Realty Company ("Rocky River"), Selden Street, Berlin, Connecticut 06037, have filed a declaration with this Commission pursuant to Section 12(b) of the Public Utility Holding Company Act of 1935 ("Act").

NU proposes to guarantee a lease ("Lease") entered into by Rocky River with Equity Investors. Rocky River is a real estate company which acquires, finances, operates and maintains real estate for NU and other associate companies in the Northeast Utilities system (the "System"). NUSCO is a subsidiary service company under Rule 87 and 88. NUSCO's general offices, and the general offices of the System, are located at Selden Street, Berlin, Connecticut. The System has determined that additional office facilities are necessary to relieve overcrowding at the Selden Street facility and to permit consolidation of activites currently located at other facilities. Accordingly, Rocky River has entered into the Lease in order to provide such facilities. It is proposed that, before the properties are occupied, Rocky River will sublease the premises to NUSCO. The terms of the sublease will provide for NUSCO to reimburse Rocky River for all of Rocky River's obligations under the Lease, plus any administrative costs of Rocky River.

Equity Investors has informed Rocky River and NU that it is unwilling to enter into the Lease without additional credit support, given Rocky River's minimal capitalization as compared with the rental payments under the Lease. Accordingly, as a result of negotiations with Equity Investors, the Board of Trustees of NU has authorized NU to guarantee Rocky River's rentals under the Lease, subject to the approval of this Commission.

The leased premises consist of four interconnected commerical buildings which are under construction in the Century Office Park, at an intersection with U.S. Route 91 in Rocky Hill, Connecticut. The site is four miles east of NUSCO's Selden Street facility and eight miles south of Hartford. Three of the buildings will be for office purposes and the fourth building will house a cafeteria and basement. The office buildings are on three floors, each with total usable area of 50,273 square feet. The first of the office buildings is scheduled for occupancy on August 1, 1982, while the others are expected to be completed and available for occupancy by January 1, 1983.

The Lease is written on a gross rental basis, under which Equity Investors is obligated to provide and pay for the operating expenses, utilities and real property taxes in consideration of fixed

rental payments. A tabular summary of essential terms is set forth below.

	Building			Cafeteria
	1	2	3	
Rent:				
Per sq. ft	$16.03	$16.48	$16.48	$15.29
Per year	$805,876	$828,499	$828,499	$203,385
Occupancy	8/1/82	1/1/83	1/1/83	1/1/83
Term[1] (years)	5	7	6	7
Expiration date[1]	8/1/87	1/1/90	1/1/89	1/1/90

[1] Rocky River has two 5-year renewal options. If it exercises the first renewal option, the lease expiration date for all four buildings is automatically adjusted to Aug. 1, 1992, subject to the second renewal period.

Leasehold improvements are included within the fixed rental payments. The Lease provides that the rent will be adjusted for the second and succeeding years to reflect the actual difference between base year utilities, taxes and operating expenses and the cost actually incurred.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 26, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-9499 Filed 4-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12349; (811-804)]

Peckham Plan Fund, Inc.; Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Applicant Has Ceased To Be an Investment Company

April 2, 1982.

Notice is hereby given that Peckham Plan Fund, Inc. ("Applicant"), 234 E. Colorado Blvd., Pasadena, California 91101, a Delaware corporation registered under the Investment Company Act of 1940 ("Act"), as an open-end, diversified management investment company, filed an application on February 2, 1982, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are directed to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicant registered under the Act on April 3, 1958. Applicant asserts that since that time it has neither issued securities nor made any public offerings. It is also asserted that Applicant has no assets. Finally, Applicant represents that its corporate existence has been terminated.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 27, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-9500 Filed 4-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No.12337; (812-5102)]

Sears U.S. Government Money Market Trust and John R. Haire;

March 30, 1982.

Notice is Hereby Given that Sears U.S. Government Money Market Trust, registered under the Investment Company Act of 1940 ("Act") as an openend, diversified management company (the "Trust"), and John R. Haire, Five World Trade Center, New York, New York 10048 (collectively, "Applicants") filed an application on February 3, 1982, for an order of the Commission, pursuant to Section 6(c) of the Act, declaring that Mr. Haire, a Trustee of the Trust, shall not deemed an interested person of the Trust within the meaning of Section 2(a)(19) of the Act solely by reason of his being a director of Washington National Corporation ("WNC") and two of its subsidiaries. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicants state that Mr. Haire is a director of WNC, a publicly-held life insurance complex, and two of its life insurance subsidiaries, Anchor National Life Insurance Company ("ANL") and Washington National Life Insurance Company of New York ("WNNY"). In addition, Applicants state that WMC has two other wholly-owned subsidiaries, Washington National Equity Corporation ("WNEC") and Anchor National Financial Services, Inc. ("ANS"), both of which are registered with the Commission as broker-dealers under the Securities Exchange Act of 1934 (the "1934 Act"). (ANS itself has a wholly-owned subsidiary, ANFS, Inc. ("ANFS"), also a registered broker-dealer which operates solely in New York.) Applicants represent that the three broker-dealer subsidiaries function

primarily as adjuncts to the insurance operations of the WMC complex, marketing mutual funds and variable annuities. Additionally, Applicants submit that ANS (and ANFS) conduct a general securities business on a fully disclosed basis through a non-affiliated broker-dealer. Applicants allege that such general securities business is limited to accommodating the clients of the dually-licensed insurance agents-registered representatives for occasional securities transactions and such securities business is not solicited.

Section 2(a)(19)(A)(v) of the Act defines an "interested person" of an investment company to include any broker or dealer registered under the 1934 Act or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines an "affiliated person" of another person to include any person directly or indirectly controlling, controlled by or under common control with such other person. Section 2(a)(9) of the Act defines "control" to mean the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company. Section 2(a)(9) also provides that a natural person shall be presumed not to be a controlled person within the meaning of the Act by that such presumption may be rebutted by evidence.

Section 6(c) of the Act empowers the Commission to exempt any person from any provision of the Act if and to the extent that such exemption is "necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions" of the Act.

Applicants contend that, in the context of the foregoing facts and statutory definitions, if Mr. Haire, because of his status as a director of WNC, is deemed to be in "control" of WNEC, ANS (and ANFS), subsidiaries of WMC and registered broker-dealers, he would be an affiliated person of such registered broker-dealers and, therefore, an "interested person" of the Trust. Alternatively, Applicants believe that if Mr. Haire as a director of WNC is deemed to be "controlled" by WNC, he would be under WNC's common control with WNEC and ANS (and ANFS) and, therefore, and affiliated person of such broker-dealers. Applicants assert that this again would result in Mr. Haire being considered and "interested person" of the Trust. Applicants represent that Mr. Haire is not a director, officer or employee of any of the WNC broker-dealer subsidiaries.

Applicants represent that Mr. Haire does not in any way participate in the day to day operations of either WNC or any of its broker-dealer subsidiaries and that he is not an officer of WNC, nor is he an officer of any of its operating subsidiaries. Applicants state that Mr. Haire's sole connection with the registered broker-dealer subsidiaries is that they are subsidiaries (or, in the case of ANFS, a subsidiary of a subsidiary) of a company of which he is a director. Applicants assert that from this it is clear that he is not sufficiently involved in their business to the extent that he can exercise a controlling influence over their affairs, except in his official capacity as a director of WNC, their parent corporation. Also, Applicants state that Mr. Haire owns less than ⅛ of 1% of the common stock and approximately 2.2% of preferred stock of WNC. Accordingly, Applicants believe that Mr. Haire should not be deemed to control either WNEC or ANS (or ANFS).

Applicants believe that it is clear that WNC's present "influence" over Mr. Haire consists solely of the power to decline to re-elect him to WNC's Board of Directors (and that of its wholly-owned subsidiaries, ANL and WNNY). Applicants state that Mr. Haire's present full time occupation is President and Chief Executive Officer of the Council for Financial Aid to Education, a not-for-profit corporation promoting fianancial aid to education, where he has been employed since 1978. Prior to that time, for 14 years he was Chairman and Chief Executive Officer of Anchor Corporation (formerly an investment adviser to the Anchor Group of Mutual Funds), which is now a non-operating subsidiary of WNC. Mr. Haire was a Vice-President of the New York Stock Exchange from 1956 to 1959 and Secretary of the Exchange from 1955 to 1956. He has served variously as Chairman of the Board of the Governors of the Investment Company Institute; Chairman of the Investment Company Committee of the Securities Industry Association; and Chairman of the Federal Taxation Committee of the Investment Bankers Association. Mr. Haire is also an Attorney-at-Law and is presently a member of the Board of Directors of Bowne and Company. Applicants contend that it is clear, therefore, that Mr. Haire is a person of broad and diverse background with extensive experience in the mutual fund industry, and independent status in the business community. Applicants represent that Mr. Haire is one of 14 members of the Board of Directors of WNC, one of 14 directors of WNNY and a member of its Finance Committee, and one of 13 directors of ANL and that Mr. Haire receives no compensation for serving as director of any of said Boards. Applicants maintain that Mr. Haire receives an annual salary from Anchor Corporation (until August 31, 1983), pursuant to a severance contract with the non-operating subsidiary, and that this contract is in no way dependent on Mr. Haire being a director of WNC.

Applicants state that the broker-dealer activities of WNC broker-dealer subsidiaries, WNEC and ANS, involve mainly sales of the shares of mutual funds and variable annuities. Applicants assert that variable annuities are not among the types of securities in which the Trust will invest and that these broker-dealer subsidiaries are not engaged in the business of purchasing and selling any other securities, except in the case of ANS (and ANFS), and then only as an accommodation to its clients. Applicants maintain that these broker-dealer subsidiaries do not act as market makers in any securities nor as underwriter and that so long as Mr. Haire remains a Trustee of the Trust, the Trust undertakes that it will not transact any such business in the event it becomes possible to do so. Applicants do not believe that this commitment will cause the Trust to lose benefit of any investment opportunity. Applicants state that in addition to Mr. Haire's lack of dirct responsibility for the business of these WNC broker-dealer subsidiaries, the absence of any dealings between them and the Trust further confirms the absence of any possible effect of Mr. Haire's independence as a Trustee. Applicants express their view that because of Mr. Haire's personal stature and the removal of any possibility of the Trust doing business with WNC or its broker-dealer subsidiaries, Mr. Haire at all times will be in a position to act independently on behalf of the Trust and its shareholders without any possible impairment arising out of his affiliation with WNC.

Applicants believe an exemption is appropriate in this case because they also believe that the Trust and its shareholders will be well-served in having Mr. Haire as one of its Trustees and that he will, in fact, be "disinterested" for all intents and purposes of the Act. Applicants also believe that the exemption herein requested would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 23, 1982, at 5:30 p.m., submit to the

Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–9501 Filed 4–7–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22436; (70–6723)]

Southwestern Electric Power Co.; Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

March 30, 1982.

Southwestern Electric Power Company ("SWEPCO"), P.O. Box 21106, Shreveport, Louisiana 71156, a public-utility subsidiary company of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

SWEPCO proposes to issue and sell up to $75,000,000 principal amount of its First Mortgage Bonds, Series R, ——%, due May 1, 2012. The terms will be determined by competitive bidding. The bonds will be issued under and secured by SWEPCO's Indenture dated February 1, 1940, as amended and as to be further amended. The proceeds to be derived by SWEPCO from the sale of the bonds will be used to repay short-term borrowings incurred or expected to be incurred to finance construction expenditures.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 27, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notifed of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–9502 Filed 4–7–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–18610; File No. SR–MSTC–82–3]

Self-Regulatory Organizations; Proposed Rule Change; Midwest Securities Trust Co.

In the matter relating to Proposed Fee for Trade Acknowledgement Confirmations. Comments requested on or before April 29, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) notice is hereby given that on March 22, 1982 the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Midwest Securities Trust Company has established a fee for Trade Acknowledgement Confirmations for the National Institutional Delivery System (NIDS) in the amount of $0.15 per confirmation.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed fee is merely a pass through charge from DTC for Trade Acknowledgement Confirmations processed for trades submitted to the National Institutional Delivery System (NIDS) for clearance and settlement.

The fee is consistent with Section 17A of the Act in that it will facilitate the prompt and accurate clearance and settlement of securities transactions and the linking of clearance and settlement facilities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 29, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 31, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-9503 Filed 4-7-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18616; (SR-PSE-81-23)]

The Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

April 2, 1982.

The Pacific Stock Exchange, Inc. ("PSE")' 618 South Spring Street, Los Angeles, CA 90014, submitted on December 21, 1981, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend Articles II, V, and VIII of its constitution. The proposed amendments would revise the structure and function of certain standing committees of the PSE. Furthermore, the proposed amendments would delete certain provisions restricting activities and membership of member firms, including restrictions relating to the beneficial ownership of one member firm by another,[1] and provisions permitting the PSE to require members to sever business connections which may be detrimental to the exchange or which may result in domination of a member or member organization by a non-member. In addition, the proposed amendments would change the definition of "allied member" in Article V, Section 6, to remove the requirement that persons who are employed by corporate member organizations be holders of voting stock of their corporations.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18413, January 12, 1982) and by publication in the **Federal Register** (47 FR 2968, January 20, 1982). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of market Regulation pursuant to delegated authority.

George A Fitzsimmons,

Secretary.

[FR Doc. 82-9504 Filed 4-7-82; 8:45 am]

BILLING CODE 8010-01-M

[1] The PSE proposes to delete Article VIII, Section 5 of its constitution, entitled "Association with One Firm Only." In a letter to the Commission dated March 25, 1982, the PSE stated that it has never interpreted this section to apply in circumstances involing a merger of two member firms or, alternatively, the purchase of one member firm by another member firm.

SMALL BUSINESS ADMINISTRATION

[License No. 07/09-0004]

Atlas Small Business Investment Corp.; Surrender of License

Notice is hereby given that, pursuant to § 107.105 of the SBA regulations governing Small Business Investment Companies (13 CFR 107.105 (1981)), Atlas Small Business Investment Corporation (Atlas), 1617 Baltimore, Kansas City, Missouri 64108, has surrendered its license to operate as a Small Business Investment Company (SBIC) under the Small Business Investment Act of 1958, as amended (the Act). Atlas was licensed by the Small Business Administration (SBA) of April 10, 1961.

Atlas has complied with all conditions set forth by the SBA for surrender of its license. Therefore, under the authority vested by the Act, and pursuant to the above-cited regulation, the license of Atlas was accepted effective February 28, 1982, and it is no longer licensed to operate as a SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 30, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-9433 Filed 4-7-82; 8:45 am]

BILLING CODE 8025-01-M

Presidential Advisory Committee on Small and Minority Business Ownership; Public Meeting

The Presidential Advisory Committee on Small and Minority Business Ownership, located in Washington, D.C., will hold a public meeting at 9:00 until 5:00 p.m., Friday, April 30, 1982, at the Small Business Administration, 2nd Floor Conference Room, 1441 L Street NW., Washington, D.C. 20416, to discuss such business as may be presented by the Committee members. The meeting will be open to the interested public, however, space is limited.

Persons wishing to present written statements should notify Mrs. Bettye Bolden, Office of the Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, Room 317, 1441 L Street NW., Washington, D.C. 20416, (202) 653-6851, in writing or by telephone no later than April 23, 1982.

Dated: March 29, 1982.

Edna E. Powers,

Director, Office of Advisory Councils.

[FR Doc. 82-9529 Filed 4-7-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 82-041]

Chemical Transportation Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Advisory Committee to be held on Wednesday, May 12, 1982 beginning at 9:00 a.m. in room 2230, Nassif Building, 400 Seventh St. SW, Washington, DC.

The following items are listed on the agenda for review:

Stowage of Containers with Dangerous Goods
Requirements for Licensing of Tankermen
Internal Inspection Period for Pressurized Cargo Tanks
Naphthalene as a Subchapter "O" Material on Barges
IMCO Reports
Roles and Mission Study
Status Report on Requirements for Waterfront Facilities
Report on Marine Safety Information System
Personnel Protection

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time. Additional information may be obtained from Mary M. Williams, Executive Director, Chemical Transportation Advisory Committee, U.S. Coast Guard, (G-MHM), Washington, DC. 20593 or by calling (202) 426-2306.

Issued in Washington, DC. on March 31, 1982.

L. N. Hein,

Captain, U.S. Coast Guard Acting Chief Office of Merchant Marine Safety.

[FR Doc. 82-9473 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

High Altitude Pollution Program, Scienfitic Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I), notice is hereby given of a meeting of the Federal Aviation Administration High Altitude Pollution Program Scientific Advisory Committee to be held April 21-23, 1982, in Conference Rooms, 7A, 7B and 7C at the Federal Aviation Administration building located at 800 Independence Avenue SW., Washington, D.C. 20591, at the following times:

April 21, 1982—10:00 a.m. to 5:00 p.m.
April 22, 1982—9:00 a.m. to 5:00 p.m.
April 23, 1982—9:00 a.m. to 12:00 noon

This will be the final meeting of the committee. The agenda will focus on a Report of Findings of the High Altitude Pollution Program, and recommendations for the future direction of studies on the environmental effects of high altitude aircraft.

Attendance is open to the interested public but limited to the space available. Any member of the public wishing to attend, make a presentation, or obtain additional information should contact Mr. James W. Rogers, AEE-300, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, 202-755-8933 or 202-755-1851 by close of business April 14, 1982.

Any member of the public may present a written statement for the consideration of the committee at any time.

Issued in Washington, D.C., on March 17, 1982.

N. Sundararaman,

Manager, High Altitude Pollution Program.

[FR Doc. 82-9104 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 147—Traffic Alert and Collision Avoidance Systems; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 147 on Traffic Alert & Collision Avoidance Systems to be held on April 28-29, 1982, in Conference Rooms 8 A-B-C, Federal Aviation Administration Building, 800 Independence Avenue SW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Sixth Meeting held on February 23-25, 1982; (3) Presentation of Working Group Reports; (4) Review of Draft Committee Report on Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems; (5) Outline Remaining Work Program and Assignment of Tasks; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on March 29, 1982.

Karl F. Bierach,

Designated Officer.

[FR Doc. 82-9105 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Clinton County, New York-Franklin County, Vermont; Notice of Intent

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway/bridge project in Clinton County, New York and Franklin County, Vermont.

FOR FURTHER INFORMATION CONTACT: George A. Jensen, Assistant Division Administrator, Federal Highway Administration, P.O. Box 568, Federal Building, Montpelier, VT 05602, Telephone: (802) 223-5294 or Arthur J. Goss, Chief of Design, Vermont Agency of Transportation, State Administration Building, Montpelier, VT 05602, Telephone: (802) 828-2663.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration in cooperation with the Vermont Agency of Transportation and the New York Department of Transportation, with Vermont acting as lead agency, is in the process of preparing an Environmental Impact Statement for replacement of the Rouses Point Bridge, across Lake Champlain between Alburg, Vermont and Chaplain, New York.

The alternates to be considered are (1) no action; (2) rehabilitation of the existing bridge and approaches; and (3) construction of a new bridge and approaches on new alignment near the existing location. The present facility has two lanes. If a new bridge is built, it will have two lanes plus shoulders.

Construction of this project will increase safety and convenience, and will improve travel quality between northeastern New York and northwestern Vermont. In previous feasibility studies and project development reports, possible environmental effects have been identified in the fields of water quality, wetlands, fish and wildlife habitat, rare and endangered species, historic preservation, land use, recreation, and commercial and recreational navigation.

The scoping process has commenced. To insure that all significant issues

relating to this project are addressed, comments and suggestions are invited from all parties interested in participating in the process.

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or the Vermont Agency of Transportation at the addresses provided above.

Issued on: March 29, 1982.

George A. Jensen,

Assistant Division Administrator, Montpelier, Vermont.

[FR Doc. 82-9166 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

[Docket No. S-670, Sub. 1]

Equity Carriers, Inc., Asco-Falcon II Shipping Co.; Application

Notice is hereby given that Equity Carriers, Inc. (Equity Carriers) holder of a long-term operating-differential subsidy (ODS) contract in the worldwide bulk trades, has filed an application dated December 4, 1981, to amend its contract with respect to the vessel STAR OF TEXAS only to permit the carriage of dry bulk cargoes subject to the cargo preference laws of the United States including, but not limited to 10 U.S.C. 2631, 46 U.S.C. 1241 and 15 U.S.C. 616(a), at fair and reasonable rates. Concomitantly, Asco-Falcon II Shipping Company, the vessel owner, has applied for the total repayment of the construction-differential subsidy (CDS) paid on the vessel. Equity Carriers proposes that Article I-2(a) of its ODS contract be amended in its entirety, with respect to the vessel STAR OF TEXAS only, to read as follows:

(a) During the period of this Agreement, the Operator shall operate the STAR OF TEXAS for a minimum of 335 days per calendar year (pro rata for the first and last year of operation) in the worldwide carriage of dry bulk cargoes in the foreign oceanborne commerce of the United States, the carriage of such cargoes between foreign ports, and the carriage of cargoes subject to the cargo preference statutes of the United States including but not limited to 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a at fair and reasonable rates under the cargo preference laws of the United States. *Provided however,* That such carriage of cargoes subject to cargo preference statutes of the United States shall be subject to the following conditions and limitations:

(i) The STAR OF TEXAS shall not carry such preference cargoes in loads of less than 10,000 tons of more than 39,000 tons;

(ii) The Operator shall not receive operating-differential subsidy for any voyage in which the STAR OF TEXAS carries such preference cargo; and

(iii) Asco-Falcon II Shipping Company, the owner of the STAR OF TEXAS, shall undertake on terms and conditions satisfactory to the Board to repay the entire amount of construction differential subsidy paid by the Board with respect to the STAR OF TEXAS, such repayment to be made in level annual installments in arrears over a period of 25 years from delivery of the STAR OF TEXAS.

The applicants emphasize that they are not seeking coastwise employment for the vessel and that the release of domestic trading restrictions under section 506 of the Merchant Marine Act, 1936, as amended, is not being requested. The applicants expect that the domestic trading restrictions in the CDS contract relating to the vessel will remain in force.

This application supersedes the application dated August 3, 1979, by Equity Carriers to carry dry bulk preference cargo at fair and reasonable rates with or without ODS. That application was published in the **Federal Register** on June 20, 1980 under Docket No. S-670.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 7300, Department of Transportation Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Any person, firm, or corporation having any interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit such views and comments in writing, in triplicate, to the Secretary, Maritime Subsidy Board, at the address given above, by April 23, 1982. The Maritime Subsidy Board will consider such views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS))

By order of the Maritime Subsidy Board.
Dated: March 31, 1982.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-9436 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-81-M

Office of the Secretary

Minority Business Resource Center Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held May 10, 1982, at 10:00 a.m. until 1:00 p.m. in Room 10234-38 at the Department of Transportation, 400 7th Street SW, Washington, D.C. 20590. The agenda for the meeting is as follows:

—Report on surety bonding and financial assistance programs

—Report on survey on financial assistance needs of MBEs

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Minority Business Resource Center, 400 7th Street SW., Washington, D.C. 20590, telephone (202) 426-2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on March 31, 1982.

Melvin Humphrey,

Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 82-9208 Filed 4-7-82; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Tax Forms Coordinating Committee; Public Hearings and Request for Forms Suggestions

As part of its annual forms review process, the Internal Revenue Service will hold public hearings to receive comments and suggestions concerning its tax return forms, instructions, and related schedules. It should be emphasized that the comments may apply to any tax form issued by IRS. The hearings will be held in 3 separate cities on Tuesday, May 11, 1982. The hearings will be held in Jacksonville, Florida, St. Paul, Minnesota, and Honolulu, Hawaii, beginning at 10 a.m. local time.

A person wishing to speak at one of these hearings should write or call the Internal Revenue Service at the address or phone number given below for the city of the particular hearings he or she plans to attend. If IRS is contacted by letter, the letter should be marked "Public Hearings on Forms" and should give both the return address and telephone number of the person desiring to speak.

The addresses and phone numbers to contact IRS regarding the hearings, as

well as the hearing locations, are listed below:

Jacksonville

Internal Revenue Service, Attn: Public Affairs, P.O. Box 35045, Stop 620, Jacksonville, Florida 32202; Phone: (904) 791–2989.
Hearing Location: Internal Revenue Service, Federal Building, 400 W. Bay Street, Room 531, Jacksonville, Florida 32202.

St. Paul

Internal Revenue Service, Attn: Public Affairs, P.O. Box 43450, St. Paul, Minnesota 55101; Phone: (612) 725–7435.
Hearing Location: Internal Revenue Service, Federal Building & Court House, 316 N. Robert Street, Room 424F, St. Paul, Minnesota 55101.

Honolulu

Internal Revenue Service, Attn: Public Affairs, P.O. Box 50089, Honolulu, Hawaii 96850; Phone: (808) 546–2803.
Hearing Location: Internal Revenue Service, PJKK Federal Building, 300 Ala Moana Boulevard, Room C462, Honolulu, Hawaii 96850.

Although not required, it would be helpful to receive a copy of any written comments and suggestions a speaker may prepare. These should be sent to the appropriate mailing address listed above or may be left with the hearing panel on the day of the hearing.

In order to afford as many speakers as possible a chance to participate, each speaker's remarks will be limited to 10 minutes. Persons who have advised IRS that they wish to speak at the hearings will be notified in advance concerning the approximate time for their scheduled appearance. The last date for submitting requests to speak is May 3, 1982. However, if there is time remaining after scheduled speakers have been heard, the remaining time will be offered to persons in attendance not previously scheduled who wish to speak.

The panel for each hearing will be made up of representatives from the District Director's Office concerned and the National Office in Washington, D.C.

Request for Written Forms Suggestions

In addition to receiving comments at the public hearings, the Service also desires to receive written comments and suggestions for improving its tax return forms, instructions, and related schedules form those persons unable to attend the hearings. Again, it should be emphasized that the comments may apply to any tax form issued by IRS. The written submissions should be self-explanatory and in sufficient detail to communicate clearly what is being suggested.

Careful consideration will be given to all comments and suggestions received. However, individual responses to the submissions will not be made because of the volume of correspondence involved.

In order to meet our work schedule and early printing deadlines, it is requested that written submissions be made on or before June 1, 1982.

Comments and suggestions should be sent to the Chairman, Tax Forms Coordinating Committee, Room 5577, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Further information concerning this notice may be obtained by calling (202)566–6254.

Dated: March 16, 1982.

Approved:

Joseph T. Davis,

Associate Commissioner (Policy and Management).

[FR Doc. 82-9506 Filed 4-7-82; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

[Supplement to Dept. Circular Public Debt Series—No. 9–82]

Treasury Notes, Series D–1989; Interest Rate

April 1, 1982.

The Secretary announced on March 31, 1982, that the interest rate on the notes designated Series D–1989, described in Department Circular—Public Debt Series—No. 9–82 dated March 24, 1982, will be 14⅜ percent. Interest on the notes will be payable at the rate of 14⅜ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 82-9507 Filed 4-7-82; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 68
Thursday, April 8, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 9:00 a.m. on Monday, April 5, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,142–L—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: April 5, 1982.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Assistant Executive Secretary.

[S–503–82 Filed 4–6–82; 11:16 am]

BILLING CODE 6714–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 9:30 a.m. on Monday, April 5, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Androscoggin Savings Bank, Lewiston, Maine, for consent to merge, under its charter and title, with Atlantic Federal Savings and Loan Association, Portland, Maine, upon its conversion to a state charter, and to establish the three offices of Atlantic Federal Savings and Loan Association as branches of the resultant bank.

Recommendation that the Corporation pursuant to Section 10(b) of the Federal Deposit Insurance Act conduct an examination of a national bank.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: April 5, 1982.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Assistant Executive Secretary.

[S–504–82 Filed 4–6–82; 11:16 am]

BILLING CODE 6714–01–M

3

FEDERAL ELECTION COMMISSION

DATE AND TIME: Wednesday, April 14, 1982 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Litigation. Compliance.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Morjorie W. Emmons,

Secretary of the Commission.

[S–510–82 Filed 4–6–82; 3:23 pm]

BILLING CODE 6715–01–M

4

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., April 14, 1982.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public.The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 9238–13: Modification of the Greece/United States Atlantic Rate Agreement to change the procedure for exercising independent action.
2. Agreement No. 10427: APL/Aleut Transshipment, Rate-Making and Agency Agreement.
3. Request for exemption from the filing requirements of section 18(b) of the Shipping Act, 1916, filed by Remolcadores y Chalanes, S.A. (USAMEX Hydro-Train).
4. Petition of Florida Customs Brokers and Forwarders Association for the removal of portwide exemptions at Pensacola, Port Everglades and Tampa, Florida.

Portion closed to the public:

1. Docket No. 79–83: Investigation of Unfiled Agreements in the North Atlantic Trades—Consideration of further proceedings.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–508–82 Filed 4–6–82; 2:33 pm]

BILLING CODE 6730–01–M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 31, 1982.

TIME AND DATE: 10 a.m., Wednesday, April 7, 1982.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Itmann Coal Company, Docket No. HOPE 76–197–P, IBMA 77–58. (Issues include whether judge properly found that the operator failed to make a timely notification of an accident in violation of section 103(e) of the 1969 Act.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653–5632.

[S-505-82 Filed 4-6-82; 2:32 pm]

BILLING CODE 6735-01-M

6

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, April 14, 1982.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed revision to the Federal Reserve Bank employee salary structure adjustment policies.

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: April 6, 1982.

James McAfee,

Associate Secretary of the Board.

[S-509-82 Filed 4-6-82; 3:16 pm]

BILLING CODE 6210-01-M

7

PAROLE COMMISSION

[2 P0401]

TIME AND DATE: 9 a.m. to 5:30 p.m., Wednesday, April 14, 1982.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 10 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492–5987.

[S-506-82 Filed 4-6-82; 2:33 pm]

BILLING CODE 4410-01-M

8

PAROLE COMMISSION

[2P0401]

TIME AND DATE:

9a.m.–5:30 p.m., Thursday, April 15, 1982. 9 a.m.–5:30 p.m., Friday, April 16, 1982.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Meetings of October 7 and December 8, 1981.

2. Reports from the Chairman, Vice Chairman, Commissioners, General Counsel, Director of Research, and Case Operations.

3. Disclosure of Presentence Investigation Reports.

4. (a) What constitutes the appropriate district of supervision under certain circumstances. (b) Compliance with registration laws as to certain offenders.

5. Representation of Original Jurisdiction Appeal hearings.

6. Waiver of parole.

7. Multiple offenses.

8. Proposed amendments to instructions for scoring Item A of the Salient Factor Score.

9. (a) Revised scale of offense severity. (b) Creation of a new category Eight for certain offenses.

10. Proposed changes in offense severity or salient factor score treatment.

11. Ten-year reconsideration hearings.

12. Prohibition against using Unit Disciplinary Committee findings for rescission.

13. Credit for time in custody.

CONSENT AGENDA: The following consent agenda items, only if previously requested to be opened for discussion at the meeting on or before April 12, 1982:

14. Prisoners out of the institution.

15. Youth Corrections Act cases on bail.

16. Modifications to Procedures Manual, at paragraphs 2.39–01 and 2.49–02.

17. Rulemaking petition from Institute for Public Representation, Georgetown Law School.

CONTACT PERSON FOR MORE INFORMATION: Mr. Peter B. Hoffman, Director of Research, U.S. Parole Commission (301) 492–5980.

[S-507-82 Filed 4-6-82; 2:33 pm]

BILLING CODE 4410-01-M

federal register

Thursday
April 8, 1982

Part II

Department of Transportation

Coast Guard

Electrical Engineering Regulations

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 31, 32, 33, 35, 37, 38, 63, 71, 75, 76, 77, 78, 79, 92, 94, 96, 97, 99, 110, 111, 112, 113, 114–139, 161, 190, 192, and 196

[CGD 74–125A]

Electrical Engineering Regulations

AGENCY: Coast Guard, DOT.

ACTION: Final rules.

SUMMARY: These regulations contain the primary standards for the review of electrical installations on all new U.S. Coast Guard certificated vessels except small passenger vessels. These final rules replace in its entirety the existing Subchapter J (Electrical Engineering Regulations—46 CFR Parts 110–113). These amendments to the regulations clarify the regulations, bring them up to date, and delete unnecessary requirements. Further, the revisions incorporate recommendations for electrical installations as made by the Inter-Governmental Maritime Consultative Organization (IMCO) and the National Transportation Safety Board (NTSB).

EFFECTIVE DATE: These amendments are effective on June 1, 1982.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Roger D. Mowery, Project Manager, Office of Merchant Marine Safety (G–MMT–2/12), Room 1214, Department of Transportation, U.S. Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, D.C. 20593, PH: 202–426–2206.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (§ 110.25) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned RCS/OMB Number 2115–0115. In the June 27, 1977 issue of the **Federal Register** (42 FR 32700), the Coast Guard published a notice of proposed rulemaking (CDG 74–125) in which it proposed to amend the Electrical Engineering Regulations. Interested persons were given until August 11, 1977 to submit comments. Fifty letters of comment were received. The total number of individual comments exceeded one thousand. As a result of comments, changes were made to the proposed regulations, which were significant and deserved further comment before final rulemaking. Several other changes were made that were new and considered necessary to update the regulations. In order to make these changes public, a supplemental notice of proposed rulemaking (CGD 74–125A) was published in the March 3, 1980 issue of the **Federal Register** (45 FR 13982). The comment period on the supplemental notice of proposed rulemaking closed on April 17, 1980. Eighty-five comments were received in twenty-five letters of comment.

Discussion of Comments

Many revisions have been made to the proposed regulations and supplemental proposed regulations to improve clarity without changing the substance of the proposed regulations or which revert the regulations to the form of the existing regulations. These revisions, as well as the substantive revisions, result from comments received and Coast Guard review of the proposal and supplemental proposal.

Those changes that significantly altered the proposed regulations were published in the supplemental proposed regulations along with a discussion of the applicable comments. Comments received as a result of the supplemental proposed regulations are discussed in this document. Also discussed are those comments received on the original proposed regulations which were not discussed in the supplemental notice of proposed rulemaking.

Comments which address the Notice of Proposed Rulemaking (NPRM) are identified by the article or section number only. Comments which address the Supplemental Notice of Proposed Rulemaking (SNPRM) have the acronym SNPRM appearing after the article number. In some instances, where changed, the location of the material in these final rules is indicated.

In the discussion of some comments, it has been indicated that certain requirements have not been changed from the former requirements. This has been done merely for the convenience of the reader, not as justification for retaining the requirements.

General Comments

Some comments considered the statement in the preamble of the NPRM, that the proposed rules would result in a 50 percent decrease in the volume of the Electrical Engineering Regulations, misleading. They pointed out that the number of codes, standards, and specifications which are incorporated into the regulations by reference has increased by over 100 percent. However, the physical volume of the regulations was reduced. This was accomplished mainly by deletion of superfluous or duplicate requirements, substitution of Underwriters Laboratories Inc. (UL) and Factory Mutual Research Corporation (FM) hazardous locations requirements by reference, and referencing the National Electrical Code when the wording was similar to the regulations. The number of references has increased, but it should be noted that many of the references are added for clarification purposes or to allow the use of additional or alternative equipment or devices aboard ship. The regulations have been extended to new pieces of equipment in only a few cases and then only to codify in regulations the present Coast Guard practice. For example, the former regulations reference one UL standard for fuses and one for equipment in hazardous locations; whereas, proposed regulations referenced 8 UL fuse standards and 11 hazardous location standards. This would not increase the scope of Coast Guard regulations; moreover, all UL standards for fuses and hazardous locations have been deleted in the final version due to reasons discussed later in this document.

Several comments expressed concern that the proposed regulations referencing the National Electrical Code (NEC) would cause greater variations in electrical installations aboard ships and that this would create problems for the Coast Guard inspectors. The Coast Guard considers the advantages of referencing the NEC to outweigh any possible disadvantages. In many instances of electrical installations there is not much difference between marine applications and shoreside applications. These are the areas that the Coast Guard has chosen to reference. In these cases, the wording of the NEC is very similar to what would be placed in regulations. In many of these areas, there have been, and will continue to be, advances in technology. The establishment supporting the NEC is in a better position to keep itself abreast of technology than the Coast Guard. While the regulations will require occasional reference to the NEC, this is not considered to be an undue burden. From the Coast Guard's viewpoint it is unlikely that may field inspectors would have occasion to refer to the NEC since most drawings are reviewed by Merchant Marine Technical Offices. Merchant Marine technical personnel will have the expertise and appropriate references to follow the NEC. From the viewpoint of the vendor and designer, reference to the NEC should be an advantage in many cases since frequently marine work is only a small part of their business and the NEC is commonly used in their shoreside work.

One comment suggested that the former regulations be retained for existing vessels because it would be impossible to amend or to upgrade the requirements for existing vessels. Also, there was concern that the industry in general and Coast Guard inspectors in particular would be required to maintain and to use the old regulations for inspection of existing vessels. It is true that these new regulations will supersede the old regulations only for electrical equipment and systems installed after the effective date of these regulations. Electrical equipment and systems installed before that date (existing installations) are required to meet the specifications in effect at the time of installation. Repairs to existing installations will have to meet the specifications in effect on the date of the original installation or the specifications in effect on the date of the repair (§ 110.01–3). Coast Guard inspectors and other interested persons will need copies of the old regulations for existing vessels. The Coast Guard considers this more efficient than republishing and intermingling old specifications with new specifications in the new Subchapter J. Old regulations applicable to existing vessels will gradually be replaced by new regulations. During the transitional period, it will be necessary to check both new and old regulations, but the only disadvantage of that will be the need to use two sets instead of one. On the other hand, there will be the convenience of a simpler structure that will take less time to peruse.

Miscellaneous Parts 31–99 and 190–196

It was proposed to amend Parts 32, 33, 35, 37, 72, 75, 77, 78, 79, 92, 94, 96, 97, 99, 190, 192, 195, and 196 by deleting specific references to Subchapter J. The Coast Guard has decided in most of these sections to delete specific section references, but to retain the general reference to Subchapter J.

§ 35.30–30. One comment suggested that a size limitation should be placed on self-contained, battery-fed lamps utilized in hazardous locations because rechargeable lamps may cause ignition in a fault situation. The intent was to require the lamps to be explosionproof. Section 35.30–30 has been rewritten to clarify this.

§ 76.25–25. A change to paragraph (i) corrects a clerical error; the reference to Subchapter J is changed to Subchapter F.

§ 78.16–1. One comment suggested allowing the emergency loudspeaker system to be used as a general loudspeaker system. The Coast Guard disagrees because it is important on an ocean or coastwise passenger vessel which can carry 500 or more persons to have a communication system which has thorough and reliable coverage that cannot be adjusted or turned off locally such as would be typical and desirable for a general or entertainment loudspeaker system. However, further consideration will be given to this subject in the next revision of § 161.004, the Subchapter Q specification for emergency loudspeaker systems.

§§ 192.50–10 and 192.50–15. These sections have been revised to eliminate reference to a specific section in Subchapter J. Also, the requirements for illumination of lifeboat and liferaft launching operations have been made applicable to all vessels subject to Subchapter U since the problems of embarkation and loading of lifeboats/liferafts in the dark are similar, regardless of route. This revision is consistent with revisions previously made to §§ 33.20–1, 75.50–10, 75.50–15, 94.50–10, and 94.50–15.

SUBCHAPTER J—ELECTRICAL ENGINEERING

PART 110—GENERAL PROVISIONS

§ 110.01. Four comments suggested that the effective date of these revised regulations be based on contract date rather than installation date. The Coast Guard agrees.

Four comments suggested that it was necessary to clarify Subpart 110.01 with regard to existing vessels. One comment suggested keeping the former regulations for existing vessels and using the revised regulations for new vessels so that certain systems on existing vessels could be required by regulation to be upgraded by amendments to the existing regulations. The intent is to require vessels undergoing initial inspection and new construction to meet this revision as provided in the other subchapters. The regulations in this revision would not be retroactive except as specifically provided for. Thus by imposing retroactive regulations when needed, it will be possible to amend or upgrade requirements for existing vessels.

One comment stressed that this revision will require a listing of effective regulations by chronological date in proposed § 110.01–5. The previous edition of Subchapter J contains many dates in the text as well as notes of **Federal Register** changes since the last edition. The Merchant Marine Technical Offices as well as the many marine inspection offices will keep that edition on file and available for reference. Furthermore, in practice, the need to determine what regulations were in effect on a certain date does not occur frequently.

§ 110.10–1. Two comments favored the increased reference to specifications, standards, and codes used in other industries, specifically the National Electrical Code. Three comments expressed the view that the increased use of references increased the scope of the regulations without proper justification. The actual number of references listed in this subpart increased because of the following:

(1) The increased number of standards involved with explosionproof, intrinsically safe equipment, and fuses.

(2) Some of the references were mentioned in the text of the existing regulations but were not contained in the list of references.

(3) Some old standards were divided into two or more standards.

(4) Some new standards were added, but these basically formalized existing approval procedures for such things as battery chargers and appliances. The scope of the regulations has not increased.

One comment suggested that all the referenced documents in § 110.10–1 be written into regulation form. The Coast Guard disagrees. This would make the regulations unwieldly and unuseable. Furthermore, the reference procedure allows builders to purchase equipment to a UL, NEC, etc. specification knowing that it will meet the regulations.

Several comments suggested that the specific edition and/or revision of each reference in § 110.10–1 be spelled out in the regulations so that the various code committees would not possess de facto authority to promulgate standards having the effect of regulations without public comment. The incorporation by reference language in the final rule is that approved by the Director, Office of the Federal Register. The procedure ensures that current material is listed and that proper notice of any changes is provided. Use of a table, in lieu of inserting dates, addresses etc. directly in the regulations facilitates the annual updating required by the Office of the Federal Register.

The IEEE Standard Dictionary of Electrical and Electronics Terms (IEEE Standard 100) has been deleted from the incorporation by reference section. The Office of the Federal Register does not consider it necessary to approve, for incorporation, documents which are used for definition and do not contain specifications. However, this dictionary is still referred to in § 110.15–1.

One comment pointed out that the referenced standards frequently use discretionary words such as should, shall or may and requested that the extent to which they become mandatory

be defined. The word "may" is self-explanatory. It means that a course of action could be undertaken, but is not required. The words "should" and "shall" have been defined in § 110.10–1(c).

One comment recommended that the NFPA–493 be used as the reference document in § 110.10–1 on intrinsic safety in lieu of the UL standards. All documents regarding criteria for approval of explosionproof or intrinsically safe equipment have been deleted since the regulations do not reference them. The criteria is that the equipment be approved by an independent laboratory recognized by the Coast Guard. Additionally, all of the UL fuse standards have been deleted for the same reason. Evaluation of the laboratory equipment approval criteria (standards used) is one of the factors in recognition of a laboratory by the Coast Guard for the approval of explosionproof or intrinsically safe equipment and fuses.

§ 110.15–1. The maximum copper content requirement of corrosion resistant aluminum has been transferred from § 110.01–11 to § 110.15–1(b)(5)(viii). Three comments consider the 0.4 percent maximum copper content too restrictive and the up to 0.6 percent copper content suitable. One comment suggested reducing the maximum copper percentage to 0.25. The Coast Guard has consulted aluminum corrosion experts as well as many reference books obtaining a range of opinions. It concluded that the 0.4 percent maximum copper content is proper. Other alloys may be individually accepted if they pass the test outlined in § 110.15–1(b)(5)(x).

One comment suggested deleting the words "fiberglass reinforced" in reference to plastics from § 110.15–1(b)(5)(ix) since some plastics, such as polycarbonate, which is used in receptacles, etc. actually lose strength when used with fiberglass fill. The Coast Guard agrees. The words have been deleted.

Three comments recommended the requirement of some accelerated-life corrosion-resistance performance tests in § 110.15–1(b)(5). One comment suggested the NEMA ICS 1–110.58 test. Various types of accelerated-life corrosion-resistance tests have been considered. It appears that the most suitable and most commonly used is the ASTM B 117 test procedure using a salt water fog chamber in conjunction with the criteria contained in NEMA Publication No. IS 1.1. This test has been added to the regulations.

One comment questioned why a public washroom was considered a "damp or wet location" whereas a private washroom was not in § 110.15–1(b)(7). The public washroom that contains showers has been called a damp location because experience has shown that it is normally damp, while a private washroom is not, due to the differences in the frequency of use. It should be pointed out that in practice, when public accommodations are provided, the showers are usually in a room separated from the washroom, making the washroom a dry location.

On comment suggested that if a galley, laundry, or other "damp or wet location" has a false ceiling, that the space above the false ceiling not be considered as a "damp or wet location." Also, several comments expressed the view that in § 110.15–1(b)(7), not all locations within a galley, a laundry, or a public washroom or toilet room that has a bath or shower should be considered as "damp or wet locations." It was pointed out, that some electrical equipment, receptacles, outlets, and switches in these spaces may be located out of the way of any ordinary exposure to excessive moisture or splashing water. The Coast Guard agrees. The definitions of "damp or wet location" and "dry location" have been changed.

On comment suggested including NEMA Type 12 enclosures in the note of § 110.15–1(b)(9) as meeting the dripproof definition. The Coast Guard agrees.

A definition of "dead ship condition" has been added at the request of one comment.

One comment requested that the specific NEMA type enclosure which would meet the proposed "waterproof machine" of § 110.15–1(b)(18) be specified. The definition indicated is basically the same as the NEMA definition, however, NEMA does not identify machine enclosures by type number. The definition is now located in § 110.15–1(b)(19).

§ 110.20–1. One comment suggested enlarging § 110.20–1 to include ground rules by which foreign shipyards can easily obtain Coast Guard review and approval of "equivalent" foreign standards. The same regulations must apply to U.S. flag vessels regardless of where constructed unless otherwise directed by law. If compliance with a standard or code is required by the regulations, both U.S. and foreign manufacturers have the same options open to them. No change to the regulations is warranted.

§ 110.25–1. In § 110.25–1(b), three comments recommended that a load analysis be required for only the worst operating condition. The number of operating conditions to be submitted is left to the discretion of the person reviewing the plans because on some vessels the worst case may be obvious and on others it may not.

In § 110.25–1, three comments suggested that deck wiring plans of the power and lighting system with complete equipment identification should remain a plan approval requirement. After an evaluation of the comments received, the Coast Guard agrees. The proposed rules would have required the inspector to determine the acceptability of various equipment and evaluating it against UL specifications in many cases. This function has been returned to the technical plan reviewer who would have the UL listings and standards or other information more readily available. § 110.25–1(d) has been added.

Two comments suggested that approval procedures for engine order telegraphs (EOT's) be included in § 110.25–1. The Coast Guard agrees that plan submittal requirements should be included in § 110.25–1 for EOT's and other equipment as well. It has been Coast Guard practice to require sufficient plans and information to evaluate this equipment, so this will not be a new requirement. Two new paragraphs had been added in the SNPRM as § 110.25–1 (l) and (m) to clarify the plan submittal requirements for electrical equipment. Paragraphs (l) and (m) of the SNPRM have been rewritten and expanded so that in these final regulations, paragraphs (n), (o), and (p) clarify and consolidate the plan submittal requirements for electrical equipment.

One comment suggested that the wording "isometric or deck wiring" in § 110.25–1(c) be changed to "isometric or deck wiring or arrangement plans" to permit drawings that show both equipment arrangement and wiring on the same drawing. The present meaning of this phrase is sufficient to cover all methods of presenting wiring layouts.

Three comments suggested that it should be mentioned in § 110.25–1(c), that watertight doors, firescreen doors, and the emergency loudspeaker system drawings apply only to specific vessel types. Many of the systems indicated by this paragraph are not installed on all vessels. Therefore, the requirement for drawings would be applicable only to those vessels that have the systems. A sentence has been added at the beginning of § 110.25–1 to indicate that only plans for systems applicable to, i.e., installed on a specific vessel, need be submitted.

Three comments expressed the opinion that carbon dioxide alarm systems are prohibited from being

electrical and therefore should be eliminated from § 110.25–1(c). The Coast Guard agrees.

Three comments questioned the requirement for electrical plans of a supervised patrol system, since the system is not defined. The detailed requirements for the supervised patrol system are in 46 CFR 78.30–10.

Three comments questioned the intent and necessity of submitting the operating, maintenance and instruction manuals for automated propulsion and auxiliary machinery systems. This requirement is an existing requirement to support the safe operation, maintenance, and testing of systems that are intended to be automated. Special emphasis and attention must be given to the maintenance and testing programs for equipment which will not be attended by watchstanders.

Two comments suggested that the requirement for submittal of motor control circuit schematics be retained in § 110.25–1 since they would show compliance with disconnect requirements, overload protection, fusing, and control in the case of automation. The Coast Guard agrees that the submittal of motor control schematics is necessary and these regulations have been retained.

Three comments suggested defining the various stamps used by the technical and inspection offices. These stamps are self-explanatory and need no further definition.

Three comments suggested a section be added to describe the function of the field technical offices and the appeal procedure for plan disapprovals. The function of the field technical offices is to review plans for compliance with the regulations as indicated by the regulations. The appeal procedure is clearly spelled out in § 2.01–70 of this chapter and there is no need to repeat it in this subchapter.

§ 110.25–1SNPRM. One comment expressed the opinion that the requirements of this section will result in higher costs due to design complications and increased outfitting work. The plans required for submittal are necessary to check compliance with regulations. It will be advantageous to the builder and others if the Coast Guard discovers noncompliance at the plan review stage rather than later at the inspection stage. Moreover, there are no new plan submittal requirements. The Coast Guard has simply consolidated and clarified required submissions in § 110.25–1.

One comment stated that the requirement of proposed § 110.25–1(j), now § 110.25–1(k), to submit the hazardous location drawing for mobile offshore drilling units (MODU's), was new. This is not true. Existing § 110.05–5(d)(22), may have been misinterpreted to required submission of the plan only for those MODU's which "carry hazardous materials in bulk". MODU's have hazardous (referred to as classified) locations as defined by regulations and therefore the required drawing must be submitted.

One comment considered the requirement of proposed § 110.25–1(j) to submit name, model identification, and equipment location for electrical equipment in hazardous locations to be unnecessary and burdensome. It suggested that the paragraph should set minimum acceptable criteria or standards and require the owner (operator) to meet these requirements. The Coast Guard has already established the acceptable criteria in regulations and the requirement for equipment identification is not new to the regulations as discussed in the preceding paragraph. The submission of the equipment information is necessary for the plan reviewer to check compliance with the regulations at the earliest possible time during the vessel certification procedure. The requirement for identifying the testing laboratory has been removed since that information may not be available when the plan is drafted. However, the submittal of this information at the earliest possible date is recommended. Laboratory approval of intrinsically safe and explosion-proof equipment will ultimately be checked during inspection, but early inventory and screening during plan review is advantageous to the builder. The Coast Guard publication, NVC No. 6–79, "Coast Guard Review of Merchant Vessel Plans and Specifications," contains further explanation of the plan review process and recommendations for plan submittals.

One comment requested that the Coast Guard define the differences between intrinsically safe components and intrinsically safe systems requiring UL or FM approval. It also questioned the requirement of drawings of intrinsically safe equipment. There is no UL or FM component approval. Intrinsically safe equipment receives approval by UL or FM only as a system. The Coast Guard requires submittal of plans and installation instructions for each intrinsically safe system after it has been approved by UL or FM so the system may be checked for safe installation in accordance with UL or FM approved plans and installation procedures. Submittal of information on intrinsically safe systems was required in former regulations under § 111.80–8.

One comment contended that since the fault current calculations and coordination analysis for generator distribution systems will come under NVC 6–79, the requirement for single point plan submission will be burdensome. The reasons for the single point plan submission are addressed by the NVC; the main reason being to reduce the administrative time taken by the plan reviewer. It is therefore important that information originating from many different vendors be coordinated before it is submitted to the Coast Guard. Moreover, fault calculations and coordination analysis were required in former regulations under §§ 111.50–20 and 111.50–25 and NVC 6–79 has been applicable to these items since its inception.

One comment argued that the requirement to prepare and submit fault current calculations and protective device coordination analysis serves no useful purpose on offshore supply vessels and that the average builder of these vessels does not have the expertise to perform the required calculations. The cut-off for requiring detailed fault current calculations and coordination analysis has been raised to electrical distribution systems of 1500 kilowatts or above; therefore, offshore supply vessels will require only the simplified assumptions of § 111.52–3. The simplified assumption calculation is not a new requirement and should be well within the expertise of the shipbuilders. Interrupting capacities of circuit protection devices will be checked by the Coast Guard using the simplified assumption calculation. Coordination is considered by the Coast Guard to be a necessary safety requirement; it is in the former regulations under § 111.50–25 and is now required in Subpart 111.51. However, the coordination analysis itself will not be a required submission if the electrical distribution system is less than 1500 kilowatts.

One comment requested clarification of the words "other independent laboratory approved by the Commandant" in proposed § 110.25–1(k), now § 110.25–1(l). This wording has been changed to "other independent laboratory recognized by the Commandant." Independent testing laboratories which are presently recognized by the Coast Guard for approval of explosionproof equipment and intrinsically safe systems are Underwriters Laboratories and Factory Mutual Research Corporation. In order for another independent testing laboratory to be recognized by the Commandant, it must in general have:

An adequate testing capability, standards that are recognized and generally accepted in the trade, and a listing and follow-up service. To be considered for recognition, and independent testing laboratory must present evidence that the above criteria are met.

§ 110.25–3. Three comments pointed out that the procedures for submittal of plans differ from the other subchapters and recommended keeping these regulations under the same procedures. The Coast Guard agrees and has amended the final rules accordingly.

§ 110.25–5. The proposed section has been revised and combined with § 110.25–3 due to new optional procedures which can be used by applicants for plan review of a vessel that is classed by the American Bureau of Shipping (ABS). These new procedures are explained in a Navigation Vessel Inspection Circular published by the Coast Guard.

§ 110.30–3. Fourteen comments addressed the inspection procedures in the proposed section. However, inspection procedures have been removed from the regulations since those were inspections which are necessary to check for compliance with regulation. The inspection procedures are not regulatory in nature. Inspection procedures are more appropriately discussed in the U.S. Coast Guard Marine Safety Manual. The comments have been considered in revisions to that manual.

§ 110.30–7. One commenter suggested that the words "important repairs or alterations" as used in this section be defined. This section has been revised for clarification. The Officer in Charge, Marine Inspection must be notified of any extensive repairs or alterations affecting the safety of the vessel. He will then determine the extent of inspection which will be required.

PART 111—ELECTRIC SYSTEM—GENERAL REQUIREMENTS

§ 111.01–1. The words "normal and" have been added before "emergency" to correct a clerical error.

§ 111.01–9. One comment suggested that the NEMA type or some standard be referenced to define "watertight" and "waterproof". The definitions are contained in § 110.15–1(b).

One comment indicated that a watertight enclosure could cause equipment exposure to high temperature. A second comment suggested the wording should be clarified. The Coast Guard agrees. The wording has been changed to clarify the intent that a piece of equipment may be made watertight if it is placed in a watertight enclosure that is designed so that the temperature rise of the equipment when it is operating will not exceed the total rated temperature of the piece of equipment.

One comment suggested that motors that have commutators or slip rings should be watertight while other motors whose windings and rotors are totally encapsulated could be waterproof. The Coast Guard considers the definitions contained in § 110.15–1(b) to be sufficient.

§ 111.01–15. Five comments considered an assumed ambient temperature of 40 degrees C to be too low for spaces such as boilerrooms, enginerooms, and auxiliary machinery spaces. The Coast Guard agrees. These spaces will have an assumed ambient of 50 degrees C as per the former regulations.

One comment suggested the wording be clarified regarding use of equipment whose rated ambient temperature is less than the required assumed ambient. The wording has been modified.

§ 111.01–17. Three comments suggested the inclusion of 600 volts as a standard voltage while one comment suggested the inclusion of 480 volt systems. The table has been modified to include these standard voltages.

Three comments suggested that a listing of standard voltages be dropped. The Coast Guard disagrees. Such a listing is a benefit to designors and engineers indicating which supply systems the Coast Guard has accepted. It does not preclude acceptance of alternative systems.

One comment suggested that the propulsion standards should be dropped since each system is specifically designed. This part of the table has been deleted.

One comment suggested that the table be made clearer. This has been done.

One comment suggested that 440 volt high intensity lighting be added as a standard for hold and deck applications. The Coast Guard agrees.

§ 111.05–3. One comment asked if this section required a lug inside or outside the equipment or in both locations. The intent of this section is not to design or require a specific grounding method. A metallic box is usually grounded by the attachment whereas a fiberglass box would require an external grounding lug if it was to be used with a cable that did not have an equipment ground.

Two comments indicated that paragraph (b) was to general. The Coast Guard agrees and has changed the wording. The revised language "to prevent any person from accidently contacting energized parts" clarifies and limits this provision. This paragraph is now paragraph (a).

§ 111.05–5. This section has been combined with § 111.05–3.

§ 111.05–7. Three comments questioned the requirement that the armor of a single conductor alternating current cable should be grounded only at the midpoint. In practice, single conductors are used mainly in high current circuits such as propulsion and generator cables. If these cables are grounded in more than one point it would be possible to set up an induced current circuit. The Coast Guard considers this requirement to be necessary.

§ 111.05–11. Two comments recommended that hull return systems be permitted for cathodic protection systems, welding systems, and insulation level monitoring devices. The Coast Guard agrees. The regulations have been modified to permit cathodic protection, engine starting, insulation level monitoring, and in some cases, welding systems.

§ 111.05–15. Three comments indicated that this section was not clear and that it would prohibit an internally Y-connected generator to be utilized in an ungrounded system. It was not intended to prohibit this type of system. The section has been modified for clarification.

§ 111.05–17. One comment suggested clarification of the wording of the first sentence, that all generation systems would not be required to be grounded. The Coast Guard agrees and the wording has been changed to make the requirement applicable only to grounded systems.

Two comments suggested deleting paragraph (c) since it allows only a high impedance ground. It was pointed out that low impedance and solidly grounded neutrals have been safely used for many years and that the solidly grounded neutral is probably preferred. The Coast Guard agrees. Paragraph (c) has been deleted. The requirement for the neutral of a dual voltage system has been added as a paragraph (b) to § 111.05–15.

§ 111.05–21. One comment suggested that the requirement for ground detection was meaningless for grounded systems and should be limited to ungrounded systems. The Coast Guard disagrees. The requirements for a ground detection system for a grounded neutral alternating-current system are contained in § 111.05–27.

The words "ship's service" have been added before "power system" in § 111.05–21(b) to clarify that ground detection is not required for the

emergency power system. Similar revisions have been made to §§ 111.30–29(e)(3) and 111.30–29(f)(2).

One comment asked for clarification of "distribution system" as used in § 111.05–21(d). The wording has been changed to "power or lighting distribution system" to limit the applicability of this paragraph to power and lighting systems and to exclude instrumentation systems.

§ 111.05–23. Two comments questioned the clarity of paragraph (a). The confusion was apparently the result of an error which had placed the word "and" between the words "generator" and "distribution." The paragraph has been rewritten to clarify the intent that all ground indicators including the emergency lighting system ground indicator be at the main switchboard.

One comment suggested changing the word "main" to "normal" as a more precise statement. The Coast Guard agrees.

§ 111.05–25. One commenter suggested that lamp wattages in subparagraph (a)(2) should be left to the designer and are not a safety function. The Coast Guard disagrees. For instance, if a 150 watt bulb was used, the necessary sensitivity would not be obtained in a standard system. Another factor that effects the sensitivity is the cabling capacitance. It has been determined by experimentation that wattages within the specified range are most sensitive for most normal ships. If a designer feels that this is not adequate for an installation, an equivalence approval under Subpart 110.20 should be requested.

One comment suggested that a provision be added in paragraph (b) for a switch arrangement when more than one ground detector system is in parallel. The comment gave as an example the situation where the main bus and the emergency bus were being fed from one generator. Ground detectors should not be in parallel. The main power ground detection lamps would indicate a ground on the emergency bus when the bus-tie is closed. Section 111.05–21 has been revised to not require ground detection on the emergency bus. Ground detection is still required for the emergency lighting system. A parallel circuit will not be set up if the indicator lamps are on the secondary side of any transformer (i.e. main or emergency lighting system).

§ 111.05–27. One comment considered requiring an ammeter with a full scale range of 10 amperes to be too restrictive in that it prohibited a log type ammeter where 0 to 10 amperes is a large percentage of the scale. The Coast Guard agrees. The wording has been changed to require clear definition of the reading in the 0 to 10 ampere range.

Another comment stated that a 10 ampere range is specified for the ground ammeter whereas § 111.05–17(c) permitted a 20-ampere ground current. The requirement for a high reactance ground was eliminated by deletion of § 111.05–17(c).

Another comment stated that if a high reactance ground as described in § 111.05–17(c) was used, a ground fault on the neutral conductor would make the detection system described in § 111.05–27 inoperative. The Coast Guard agrees. Section 111.05–17(c) has been deleted.

§ 111.05–31. One comment suggested including in the table the metric equivalents of the specified cable sizes. The metric equivalents have been included. Additionally the format has been changed to accommodate the metric system.

§ 111.05–33. One comment considered requiring the grounding conductor to be at least as large as the power conductor that supplies the equipment to be excessive. The Coast Guard agrees and has modified the requirement to agree with the National Electrical Code.

§ 111.05–35. Two comments requested that the difference between "grounded conductor" and "grounding conductor" be clarified. These terms are adequately defined in both the IEEE Standard Dictionary of Electrical and Electronic Terms and in the National Electrical Code.

In paragraph (a), one comment recommended that all neutral conductors, grounded or ungrounded, be covered with white or gray insulation. On grounded and ungrounded systems, it is recommended that conductor identification be consistent throughout the vessel. However, this color coding requirement has been deleted since it is in conflict with standard marine color coding and would have required changing the color at each connection on three wire ungrounded systems.

One comment proposed the addition of a paragraph (d) requiring ungrounded conductors of different voltages to be marked with different colors and the phases be clearly indicated. The cables are required to have each conductor color coded by IEEE No. 45 as required by § 111.60–1 of this subchapter. The Coast Guard does not consider it important that the phase be indicated on each current carrying conductor.

One comment considered the requirements of paragraphs (a) and (b) to be too restrictive in that duplicate stocks of cable would be required for color code purposes. The Coast Guard agrees and the requirements have been deleted as discussed above.

§§ 111.05–37 and 39. One comment recommended prohibiting a switch in any grounded conductor except in a circuit serving equipment located in a hazardous area. The Coast Guard disagrees. A switch or circuit breaker that simultaneously disconnects grounded and ungrounded conductors is a safe installation and should be allowed.

§ 111.10–1. Three comments pointed out that Part 112 did not require an emergency generator as indicated by this section. The wording has been changed and the section has been renumbered as § 111.10–3.

One comment suggested that the heading should be changed to indicate a normal or ship's service system to distinguish it from the emergency system. The heading has not been changed; however, definitions have been added in a new § 111.10–1.

§ 111.10–3. Two comments suggested that a definition of the phrase "except full power to electric propulsion motors" be provided. The regulations have been modified to remove this phrase. This section is now numbered § 111.10–4.

One comment suggested that this section should be clarified especially in how it relates to electrical propulsion. The subpart has been clarified by the inclusion of the two definitions in § 111.10–1. Also, paragraph (d) has been added to make the requirements more applicable to drilling units and to clarify that the intent of these regulations was not to require so called "take home power" for the electrical propulsion system.

Paragraph's (b) and (c) have been added to clarify the intent of these regulations if shaft driven or waste heat generators are used. The intent of the Coast Guard's power supply requirements is that the supply to the ship's service loads must not be interrupted during normal operations of the vessel. This intent is also reflected by IMCO. IMCO Resolution A 325(IX) is the basis for the required number of generators and generator capacities. In that resolution, IMCO recommends that the arrangements of the ship's main source of power shall be such that the ship's service loads be maintained regardless of the speed and direction of the main propelling engines or shafting. A shaft driven generator that is attached to a shaft with either a fixed pitch propellor or a controllable pitch propellor operating along an rpm/pitch curve will not meet the IMCO recommendation because it will not be available under all operating conditions.

Such a generator may, however, be provided as a supplemental generator. If it is provided as an additional or supplemental generator and is used to supply power for ship's service loads, it is essential that it provide a continuous and uninterrupted source of power under normal operational conditions. Any speed change or throttle movement is considered a normal operational condition and must not cause a power interruption. On the other hand, a shaft driven generator that is attached to a shaft capable of being operated at constant speed under all operational conditions (i.e. pitch control only) may be capable of providing electric power under both maneuvering and steady state conditions and may be counted towards the required ship's service generating capacity. However, the other required generators must be independent of the main propelling engines and shafting and capable of supplying the ship's service load. The above rationale also applies to a generator dependent upon waste heat.

§ 111.10–5. One comment requested clarification of the term "energy source." The term "energy source" was intended to mean a boiler, diesel, or gas turbine. A definition of energy source has been provided.

§ 111.10–7. One comment indicated agreement with the regulation that new vessels be required to have dead ship start up capability but suggested that the requirement be extended to existing vessels which undergo alteration to lengthen their useful life. This will be considered at a later date.

One comment requested a definition of dead ship. A definition has been included as § 110.15–1(b)(8).

§§ 111.10–9 and 111.10–11. Fifteen comments addressed the requirements for two transformers if transformers are an essential part of the power and lighting supply system. The comments indicate that there was considerable confusion over the intent of these requirements. These requirements are contained in IMCO Resolution A.325(IX). The intent is that if transformers are used to feed the main ship's service bus in lieu of low voltage ship's service generators, they should be duplicated in the same manner as the ship's service generators. This situation would occur when two or more medium or high voltage generators are used for electric propulsion or to power some industrial function. This medium or high voltage power would then be transformed to 450–480 volts for utilization in the ship's service distribution system. These transformers are the ones required to be duplicated. Sections 111.10–9 and 111.10–11 have been rewritten to more clearly reflect this intent.

Four comments suggested that three transformers connected in a delta-delta configuration but sized in a way that an open-delta configuration of two could handle the load be considered acceptable in lieu of two separate transformer banks. This configuration is not considered as being equivalent to the two or more ship's service generators normally found on conventional ships.

One comment asked for clarification as to whether the transformers are required to be provided with automatic transfer switches. Automatic transfer switches are not required but may be used.

Two comments suggested that the requirements be generalized since motor-generator sets and DC–AC inverters could perform the same function. Such systems will be extremely rare and are capable of being handled under § 110.20.

§ 111.12–1. One comment suggested that as some generators use grease lubricated bearings, sensing of low oil pressure at the prime mover bearings should be permitted. Also it was indicated that Subpart 112.50 should be noted. This comment is not understood. Low lubricating oil pressure may be alarmed. Section 111.12–1(c) requires automatic shutdown upon loss of lubricating oil pressure. It should be pointed out that section 111.12–1(a) already has a reference to Subpart 112.50 for emergency generator prime mover requirements.

One comment suggested that in certain installations the operators would rather lose a generator than have a power outage. Unless the prime mover was designed and approved to operate with no lubricating oil pressure, it should shut down upon loss of lubricating oil pressure. The regulations have been changed to allow acceptance of prime movers that do not require oil pressure for lubrication purposes.

§ 111.12–3. Six comments were in opposition to the proposed regulation prohibiting static exciters. Some comments indicated that if automatic field flashing was installed it should be permitted while other comments stated that it should be permitted if permanent magnet field flashing was used. The intent of the proposed rule was to prohibit battery type field flashing and residual-type that lose the residual magnetism over a short period of time. The regulations have been modified to indicate this intent.

§ 111.12–5. Two comments suggested that paragraphs (b), (c), and (d) be eliminated because the requirements were contained in ABS rules. The Coast Guard disagrees. The ABS rules require moisture condensation protection only for generators weighing over 1,000 pounds. Since condensation and moisture collection can be a problem in any generator regardless of size and function, the Coast Guard concluded that in order to protect the integrity of generator insulation, all generators should have this protection regardless of size and that all generators should have dampers in each non-recirculating system air duct, not just propulsion generators as indicated by the ABS rules.

Three comments asked clarification of the term "protected machine." Section 110.15–1(a) indicates that electrical terms are used as defined in "IEEE Standard Dictionary of Electrical and Electronics Terms" (IEEE Standard No. 100). This publication defines "protected machine" as being "an open machine in which all openings giving direct access to live or rotating parts are limited in size by design or by screens, grilles, expanded metal, etc. to prevent accidental contact with such parts." The definition continues to give specific requirements. The Coast Guard concluded that this definition needs no further clarification.

One comment suggested that the requirement for dampers in each non-recirculating systems air duct is not a generator construction feature and should not be located in this section. The Coast Guard concluded that although this is a generator installation requirement, its most appropriate location is in this section.

One comment asked for clarification as to whether ABS shop inspectors would be required for generators being installed on non-self-propelled drilling units. The generator requirements for ships and drilling units are identical; however, it was not the intent of section 111.12–5(a) to require ABS shop inspection of the generator. The regulations have been modified to clarify this intent.

§ 111.12–7. Two comments suggested that short circuit protection be allowed on the voltage regulation circuit. The Coast Guard agrees.

§ 111.12–9. One comment suggested that the terminology "trip setting" be clarified. Paragraph (a) has been revised as the result of other comments on § 111.60–1 and these words have been eliminated.

Four comments suggested clarification of paragraph (b). The intent of paragraph (b) was to require cables from two or more generators to be separated. This requirement was

determined to be unnecessary and has been deleted.

§ 111.12–11. Three comments recommended modifying paragraph (b) to include medium voltage vacuum circuit breakers. The Coast Guard is not prepared to accept vacuum circuit breakers at this time except on a trial basis.

Two comments suggested reference to short time delay trips in paragraph (d) to avoid interpretations that such trips are not permissible. The wording was changed in the SNPRM. This paragraph is now paragraph (c).

In paragraph (f)(1), three comments questioned the setting of the instantaneous trips above the maximum asymmetrical short circuit current available from the generator. An instantaneous trip is not allowed on alternating current generators if only two ship's service generators are installed. An instantaneous trip is required only if three or more alternating-current generators can be paralleled. This arrangement is necessary to obtain the selectivity required by § 111.51–3 to protect two or more generators from feeding a fault in another generator. Section 111.12–11(f) was revised in the SNPRM and is now § 111.12–11(e).

§ 111.12–11, SNPRM. One comment interpreted § 111.12–11(b), which allows air circuit breakers only, as not allowing molded case breakers. A molded case breaker is considered an air circuit breaker since its contacts open and close in free air. Therefore, molded case breakers are allowed.

One comment expressed confusion with § 111.12–11(d)(2), and stated that the ABS does not recognize an overload rating. The ABS does recognize setting long time overcurrent protection at 115% of the overload rating of special-rated machines in § 35.119.1 of their "Rules for Building and Classing Steel Vessels."

Eight comments expressed concern with § 11.12–11(g). Some of them pointed out that it is not always practical to layout the engineroom so that the generator is visible from the control room. The Coast Guard agrees. Also, the comments expressed concern that requiring a remote sensing mechanism that will open the generator breaker and also secure excitation will instill needless complexities into the circuit protection. The Coast Guard agrees. The regulations still require that a generator and a main switchboard be located in the same space (§ 111.30–1) and that the circuit breaker be on the switchboard. However, for the purpose of this section and § 111.30–1 of the regulations, the following are not considered as separate spaces:

(1) A control room that is inside of the machinery casing and;

(2) A dedicated switchgear and semiconductor rectifier (SCR) compartment on a mobile offshore drilling unit which is separate but directly adjacent to and on the same level as the generator room.

§ 111.12–13. One comment recommended that more complete requirements be developed concerning protection of the propulsion generator. The number of vessels utilizing electric propulsion systems are limited and are usually of a specialized nature. The requirements necessary for some systems would be unsatisfactory for other systems. The intent of § 111.12–11 and the concept of continuity of service requires special consideration in each case.

Subpart 111.15. Throughout the Subpart, the wording has been changed to clarify that battery categories are based upon the size of the "battery installation". A "battery installation" includes all battery cells or units of the same size and type connected in series. IEEE Standard No. 45 has been referenced for battery specific gravity in § 111.15–2.

§ 111.15–3. One comment suggested that a provision should be added to allow Nickel-Cadmium (Ni-Cd) batteries to be classified as moderate when connected to a battery charger whose output is greater than 2 KW because these batteries evolve hydrogen at a slower rate than lead-acid batteries. The Coast Guard agrees that Ni-Cd batteries usually evolve hydrogen at a slower rate than lead-acid batteries, however the requirements of § 111.15–3 will remain in effect except on a case-by-case basis. The Coast Guard will determine equivalency under § 110.20 upon submission of data showing equivalency.

§ 111.15–10. Three comments indicated a manufacturer could not be found of a Class 1, Division 1, Group B approved motor and suggested stating that the motor be located in a non-hazardous area in lieu of citing the 10 foot rule. It is understood that there are at present no Class 1, Division 1, Group B explosion proof motors because there is not sufficient demand to warrant the cost of testing. The option to use such a motor should remain as an alternative to locating the motor in a non-hazardous area. Section 111.15–10(b)(2) has been modified for clarity.

Paragraph (d) has been rearranged for clarity.

§ 111.15–20(d). Three comments suggested that the cable and overcurrent protective devices be based on connected load. The Coast Guard considers the maximum charging or maximum discharge current, whichever is greater to be a more valid criterion since, if the batteries are completely discharged, it is probable that the recharging current will be higher than the current drawn by the loads. It is undesirable to have an overcurrent device operate during this recharging period.

§ 111.20–15. One comment stressed that this section allowed a substantial increase in transformer overcurrent protection and asked if this relaxation was warranted. It also indicated that there were no short circuit requirements in Article 450 of the NEC as implied by the regulation. The difference between the old and new regulations is that the primary side overcurrent device setting or rating has been increased from 115 to 125 percent. This was done to bring the Coast Guard's requirements into line with the national standards. The comment is correct in that the NEC does not use the words "overcurrent and short circuit" protection. The definition of "overcurrent" protection, in IEEE Standard 100 and the NEC, includes short circuit protection. This problem has been corrected by deleting the redundant words "and short circuit.".

Table 111.25–15. One comment suggested that the words "Lifeboat winches" be changed to "Boat winches" in keeping with revised Subpart 111.95. It suggested correcting a typographical error where the short time rating of the boat winch was indicated as one-thirteenth in lieu of the correct one-twelfth. The Coast Guard agrees with the above editorial changes. Section 111.25–15 has also been revised editorially.

§ 111.30–1. One comment indicated that paragraph (a) appears to contradict § 110.15–1(b) which defines a machinery space as a damp or wet location. The wording has been changed to require an installation in a location that is as dry as possible.

One comment considered paragraph (d) to be in conflict with § 56.50–1(d) of this chapter. It should be pointed out that this regulation supplements § 56.50–1(d). It has been revised to more closely parallel § 56.50–1(d) and is now § 111.30–1(b).

Several comments were received concerning whether in paragraph (e) a switchboard located in a control room was considered to be in the same space as the generator. Section 111.12–11(g) has been revised to indicate that a control room that is located in a machinery room is considered to be part of the machinery space. Three comments indicated that many drill

units presently do not have this arrangement and in some designs with a large electrical plant, a generator could not fit in the room containing the electrical distribution and control equipment. Also an air conditioned space is often necessary for the semiconductor rectifier (SCR) and control equipment. The regulations have been modified to permit other arrangements when necessary. This requirement is contained in IMCO Resolution A.325(IX) and the latest proposed draft of IMCO requirements for Machinery and Electrical Installations, Mobile Off-shore Drilling Units.

§ 111.30–4. SNPRM. Two comments considered this relaxation of current regulations not to be safe. After further study, the Coast Guard agrees and the existing requirements has been restored to require circuit breakers which can be removed from the front without unbolting bus connections or cable connections or deenergizing the supply.

§ 111.30–5. Three comments indicated that there were no structural standards cited for switchboards. The structural requirements in the existing regulations have been added.

One comment suggested that door positioners be required on hinged switchboard panels greater than 45 inches high or 24 inches wide as per requirements for motor controller enclosures. This change has been made.

§ 111.30–9. One comment asked for a definition of an "environmentally controlled" space and suggested that it would be applicable to other parts of the vessel. The proposal to drop the requirement for a dripshield in an environmentally controlled space has been deleted. A dripshield will be required on all switchboards.

One comment suggested that horizontal or vertical front non-conducting handrails be permitted. The regulations do not, at the present, specify orientation. Any handrail orientation that satisfies the intent of this paragraph is satisfactory.

§ 111.30–11. One comment suggested that Electric Grade Sheet Deck Covering also be accepted in addition to non-conducting mats and gratings. This Electric Grade Sheet Deck Covering will be acceptable provided it meets and is installed in accordance with Mil–M–15562.

§ 111.30–13. One comment suggested adding control transformers to the list of devices whose metal case must be grounded. The definition of "instrument transformer" contained in IEEE Standard 100, IEEE Standard Dictionary of Electrical and Electronic Terms, includes transformers for instrument, controls and protective devices. This standard is referenced by § 110.15–1(a).

Two comments indicated that there were designs in which grounding the secondary windings of instrument transformers as required in paragraph (b) could not be accomplished in some SCR systems. The information available to the Coast Guard indicates that problems developed in the early SCR systems when the secondary windings of some of the instrument transformers were grounded. The modern SCR systems have eliminated this problem. Article 250–121 of the NEC requires the secondary windings of all switchboard instrument transformers to be grounded.

§ 111.30–17. Two comments suggested that overcurrent protection should be permitted for the devices listed in paragraph (b). One of these comments suggested that short circuit protection be provided while the other comments suggested that the entire paragraph be deleted. The Coast Guard agrees that short circuit protection can be provided for these circuits; however, overload protection must not be provided. The short circuit protection is allowed with a minimum setting of 500 percent of the expected current in a new paragraph (c). Paragraph (d) has been added to retain the requirements of § 111.30–1(i)(2) of the former regulations regarding current transformers.

§ 111.30–19. One comment considered the bus sizing required in paragraph (a)(1) not to allow for diversity and that it was not normally used. This sizing requirement has been used in the marine field for a number of years as a minimum requirement and has proved satisfactory.

In paragraph (f)(1), one comment questioned why only TA, TBS and SIS wire were allowed in switchboards and types FEP, RHW and XHHW were not allowed. The Coast Guard requires that all switchboard wires be capable of passing the flammability test contained in UL Standard 83. TA and TBS wire meet this test as do some SIS wires (thus the requirement in § 111.30–19(f)(4)). Most FEP, RHW and XHHW do not meet this flammability test. Other wire types may be used only after equivalency is established.

One comment questioned the relaxation of the switchboard wire size from a minimum of 14 AWG to 18 AWG in subparagraph (f)(3). The minimum switchboard wire requirement has been returned to 14 AWG as per existing regulation. Many reasons entered into this decision, the primary one being that the three acceptable wire types TA, TBS, and SIS are approved for a minimum size of 14 AWG. See Article 310–13 of the National Electrical Code. The 14 AWG minimum size is also a requirement of IEEE Standard No. 45–1977.

Six comments pointed out that the reference to Table A34 in paragraph (b) should be Table A27. This has been corrected. Also, two comments suggested that since the NPRM allowed a 43 degrees C ambient in machinery spaces, a factor should be used to allow a higher ampacity for 40 degrees C ambients since the table is based on a 50 degrees C ambient. The 40 degrees C engineroom ambient has been returned to 50 degrees C so no factor is needed.

§ 111.30–23. Two comments pointed out that the referenced document was ANSI C37.20 as indicated in this section and not C37.25 as indicated in the preamble. This was a typographical error in the preamble.

§ 111.30–24 SNPRM. One comment considered this requirement to be unnecessary on a mobile offshore drilling unit. The Coast Guard agrees since the requirement originated with IMCO Resolution A.325(IX), which does not apply to MODU's.

§ 111.30–25. One comment suggested that the word "main" as used in paragraph (e) be defined or changed. The term has been changed to "ship's service" for the power system and "normal" for the "lighting system." Also, in paragraph (e), and exciter field rheostat has been added as required switchboard equipment. This item was in the former regulations and was inadvertently left out of the NPRM.

In paragraph (f), one comment suggested that a reverse phase relay be required to prevent connecting shore power in an out-of-phase sequence. The Coast Guard concludes that such a device should not be included in a set of minimum requirements, but recommends that the device be installed if a vessel uses a shore tie extensively.

Paragraph (g)(1) has been revised to clarify the intention that the generator circuit breakers must be capable of being controlled from the area of the control console and to allow remote operation of the circuit breakers if the switchboard is not within the control room.

The requirement to sectionalize the main switchboard has been moved from § 111.30–25(h) in the proposed rules to § 111.30–24 since the IMCO A.325(IX) requirement is applicable to both AC and DC switchboards and not just AC systems as written in the proposed rules.

One comment suggested that the requirement to sectionalize be deleted because of arrangement problems in some designs, increased cost, and

damaged buswork can be removed with a wrench in present designs. The Coast Guard considers this IMCO A.325(IX) recommendation to increase the ability to provide ship's service power in the event of a casualty to part of the switchboard.

One comment suggested that the sectionalizing device be remotely operable while another comment suggested automatic circuit breakers with overcurrent trip elements coordinated with the generators' circuit breakers should be permitted. It is the Coast Guard's opinion that the disconnect device should be manually operable as per IMCO recommendations.

One comment requested clarification of sectionalizing requirements from the standpoint of how many buses in a dual level system (5 KV and 480 V) are required to be sectionalized. In the system described, the 5 KV switchboard would be required to be divided into two sections. Two transformers or transformer banks would be required by § 111.10–9. If the total capacity of these transformers is greater than 3000 KW, the 480 V ship's service switchboard must also be sectionalized.

§ 111.30–29. One comment suggested that where an automatic emergency generator is provided, the voltage regulator cutout switch was not desirable since it could be left in the off position. A voltage regulator cutout switch is necessary to allow manual control of the voltage utilizing the exciter field rheostat in case of a voltage regulator failure. An error was made in the rewrite in that the exciter field rheostat was required under paragraph (d) in lieu of (e). This has been corrected.

§ 111.30–31. One comment requested that the tests desired be clarified. The tests the American Bureau of Shipping require for switchboard equipment are in various paragraphs of section 35. For instance, paragraph 35.91 contains dielectric strength tests and paragraph 35.161 contains operational tests.

Subpart 111.33. SNPRM. One comment suggested adding the word "system" after the words "semiconductor rectifier" to clarify that the requirements apply to the complete unit and not directly to each semiconductor rectifier component. The Coast Guard agrees. Two comments stressed that in § 111.33–5(e), shutdown of power should not be required if the rectifier temperature is regulated automatically or would not exceed maximum temperature due to operation at current levels below their full capacity. The requirement has been amended to allow a maximum-operating-temperature-activated shutdown. Paragraph (c) has been revised to allow use of semicondutor rectifier systems rated at 40 degrees C if installed in an area which will not normally experience temperatures higher than 40 degrees C.

§ 111.35–1. This section has been revised to more specifically identify the sections of the ABS Rules which must be met by electrical propulsion installations.

§ 111.40–1. Three comments suggested revising the section pointing out that much of the NEC requirements are contained in the UL standard referenced in § 111.40–13 and it was confusing to utilize the NEC with exceptions. Reference to the NEC has been eliminated. The NEC requirements not covered have been added in §§ 111.40–13 and 111.40–15.

§ 111.40–3. This section has been deleted since it was repetitive to § 111.05–3.

§ 111.40–5. One comment asked if the emergency lighting panelboard in the main machinery space that supplies the power to the flashing red light (§ 113.25–10) would be required to be watertight. The lighting panel serving as a power source would not be considered part of the general alarm system if it did not contain the actuating relay and would not in any way affect the operation of the general alarm system.

One comment suggested that a statement be added to the effect that if liquid could not drip on a panelboard which is flush mounted it would not have to be manufactured drip proof. It is concluded that the present regulation covers this situation.

§ 111.40–7. Three comments considered it unnecessarily restrictive to prohibit installing panelboards in the weather or in storerooms. The locations in the weather are often not accessible due to ice and storms and often storerooms are locked, making them inaccessible. Therefore, the Coast Guard concludes that these spaces should not contain panelboards.

One comment suggested that panelboards be permitted in cargo holds on roll on/roll off vessels since there is ready access and sufficient lighting as a result of the type of cargo operations. The Coast Guard agrees.

§ 111.40–11. One comment suggested the setting of the overcurrent device should be included in the directory. The rating has been retained for fuses and setting added for circuit breakers.

§ 111.50–3. In paragraph (c), one comment suggested the effect of heat on the operation of fuses should be considered if they are subject to extremes of temperature. The Coast Guard agrees.

In paragraph (g), the permissive statement for single pole circuit breakers with handles yoked together has been deleted. Permissive statements are not regulatory and should not be in the regulations and in this case the permissive statement is repetitive to the basic requirement that a switch must open all ungrounded conductors.

In paragraph (h), one comment recommended that no overcurrent device be allowed in a grounded conductor. The Coast Guard considers an overcurrent device that simultaneously opens all conductors to be a safe installation and therefore it should be allowed.

§ 111.50–5. Five comments pointed out that the requirements in § 111.50–5(a) (1) and (2) were identical to those in §§ 111.12–11(h) and 111.30–25(f) respectively. The duplication has been eliminated.

One comment pointed out that the overcurrent arrangement permitted by § 111.50–5(a)(4) does not agree with the requirements of Article 450 of the NEC. Another comment pointed out that this overcurrent protection arrangement would not be permitted by the NEC Section 240–3 for other than single phase transformers. Section 111.50–5(a)(4) has been revised to agree with the NEC.

§ 111.51–1. Two comments requested a definition of vital equipment. The section has been changed to clarify the intent.

One comment expressed concern that instantaneous trips could not be coordinated except by setting one to operate at a lower current, so that, when the current setting of both elements is exceeded, both breakers will trip. The intent of this section is that the circuit breakers' instantaneous trips should be coordinated in such a way that the upstream breaker's instantaneous trip would be set higher than the current flow through it due to a fault on the load side of the downstream breaker. The cable impedances between breakers can be utilized to do this.

§ 111.52–1(b). One comment suggested that the term "probable motor loads" be defined or the requirement be modified to include all motor loads. The latter suggestion would be excessively restrictive. Probable motor loads is self-explanatory.

One comment suggested that for a feeder breaker coordinating with a generator breaker, the worst case would be with only one generator feeding on a three-phase fault on the load terminals of the protective device. The coordination requirements are contained

in § 111.51. The coordination is normally accomplished using current-time characteristic curves.

One comment questioned the origin of the 750 KW maximum aggregate generating capacity limitation for the rule-of-thumb calculation and suggested a table that would account for differences in combined direct axis subtransient reactance for various combinations of parallel generators. The rule-of-thumb for systems below 750 KW was developed from actual test results with 750 KW being the largest system tested. This method is very conservative but the submitter has the option of calculating the actual short circuit current as detailed in § 111.52–1. The Coast Guard has decided to change the limitation to 1500 KW and has clarified the calculation methods.

§ 111.53–1. One comment indicated that some solid state devices should be protected by special fuses which do not comply with UL requirements. These situations will be looked at on an individual basis and, if equivalent safety and protection is provided, will be accepted under § 110.20.

§ 111.53–3. This section has been rewritten to apply to current-limiting devices in general and has been moved to Subpart 111.57.

One comment suggested that the current-limiting fuses of a fused circuit breaker not be required to meet the calculation methods of this section if they meet the applicable UL or NEMA standards. The Coast Guard agrees and a note to this effect has been added to § 111.57–1.

§ 111.54–1. One comment suggested that NEMA and ANSI standard frame sizes be required to preclude use of "specially designated" frames and use of trip elements above established frame ratings. Designation of standard size breakers is not considered necessary.

Two comments suggested that § 111.54–1(a)(3) be clarified regarding what value of interrrupting rating is required of a circuit breaker. The section has been clarified.

The proposed regulations would allow oil type circuit breakers. Oil type circuit breakers are not suitable for shipboard use due to the fire hazard. Section 111.54–1(a)(4) has been added to prohibit oil type breakers.

Two comments questioned the applicable regulations for molded case circuit breakers that are rated in excess of 600 amperes or 600 volts or both. UL 489 is applicable to all molded case circuit breakers of 600 volts or less regardless of current rating. Molded case circuit breakers are presently not acceptable for use at voltages greater than 600 volts as § 111.54–1(b) and UL 489 indicate. Requirements for circuit breakers other than molded case have been specified dependent upon voltage rating in paragraphs (c)(1), (c)(2), and (c)(3).

One comment considered the requirement in § 111.54–1(d)(2) prohibiting the longtime delay element to be set above the current rating of the trip element or of the circuit breaker frame to be unduly restrictive and in conflict with § 111.12–11. Section 35 of UL 489 specifically prohibits a circuit breaker with an adjustable pickup point to be capable of being adjusted to more than 100 percent of the marked ampere rating with an exception that requires special testing which would be handled under § 110.20–1. There is not a conflict between § 111.54–1(d)(2) and § 111.12–11 because the pickup setting of these adjustable breakers has a considerable range, making it possible to obtain a frame and trip element that is rated higher than or equal to the desired pickup setting.

Paragraph (e) has been added to require 50 degree C ambient temperature calibration for circuit breakers located in the engineroom, boilerroom, or machinery space. This was required in the former regulations under § 111.50–15(e)(6).

§ 111.55–3. One comment suggested that § 111.55–3 be clarified as to which side of the fuse the switch should be on. This has been done.

§ 111.59–5. Nine comments considered the requirements that all current-carrying parts of a busway must be copper to be too restrictive in that steel bolts, silver or tin plating, etc. would not be acceptable. The Coast Guard agrees and has deleted § 111.59–5.

§ 111.60–1. Four comments questioned the deletion of MIL–C–915 cable. The MIL–C–915 cable was deleted because some of the cables could not pass the IEEE No. 45 flammability test. The cable may be substituted for the equivalent IEEE type cable provided it can pass the flammability test contained in IEEE Standard No. 45. The conditions under which MIL–C–915 cable and other cable including type N may be substituted for IEEE–45 cable have been added to this section.

Four comments questioned the deletion of the conductor sizing table in § 111.60–10 of the existing regulations. Two comments suggested that the table be included in the regulations because cable sizes should be determined by the current they carry and should not be dependent on overcurrent devices. The Coast Guard agrees. A demand load table similar to the one in the former regulations has been added under § 111.60–7.

One comment suggested that a provision be made to accept newer cable insulation and types. A provision has been added to allow acceptance of cable constructed in accordance with other standards.

Four comments requested clarification of the Coast Guard's position regarding the use of armored cable. Section 111.60–3 requires the cable application to meet Section 19 of IEEE Standard No. 45 which states the use of armor is recommended but unarmored cables may be used provided special precautions are used to avoid damage to the jacket during or after installation. This is the Coast Guard's position and a further clarification is unnecessary. However, armored or MI type cable is required in certain hazardous locations. See Subpart 111.105.

Two comments questioned how enforcement of the cable construction requirements was to be accomplished. The required cable markings will be used in conjunction with the insulation resistance tests by the construction inspector. The Coast Guard would have the option of testing or witnessing testing of cable it suspected of not being constructed to the accepted standard.

One comment suggested that an exception be made to Section 18 of IEEE Standard No. 45 to permit the use of aluminum conductors. The Coast Guard disagrees because the problems associated with aluminum cable in a shipboard atmosphere have not been adequately solved at this time.

Three comments requested a definition of type N cable. A definition has been added.

Section 111.60–1(b) has been revised to give cable identification requirements for type N cable.

One comment asked if type THWN wire could be used as control conductors and cable. THWN is wire and must meet § 111.60–11 and be used in an enclosure.

§ 111.60–3. Two comments suggested that Table A6 of IEEE Standard No. 45 be excluded from the regulations because the ampacities are for single banked runs with a penalty for double banked runs, that some cable sizes are omitted and the ampacities are not consistent with Table 35.2 of the ABS Rules. The IEEE ampacities are based upon national standards while the ampacities of ABS Rules are based on international standards. At the present time the Coast Guard concludes the only option is to use the national standards, however a research program has been instituted in conjunction with MARAD to develop cable performance standards with the intent of adopting performance

standards in lieu of the present construction standards.

Paragraphs 19.6.1 and 19.6.4 of IEEE Standard No. 45 have been excepted from the cable application requirements since the subjects of those paragraphs are regulated by §§ 111.60–11 and 111.60–13 of this chapter.

§ 111.60–4. This section has been added to consolidate and clarify the minimum allowed cable conductor sizes.

§ 111.60–5. One comment suggested changing the 24-inch cable support spacing of IEEE Standard No. 45 to that of the Navy which is 32 inches for thermoplastic and thermosetting jacketed cables and not more than 18 inches on vertical runs for lead sheath cable. Present requirements are considered to be adequate.

Paragraph 20.11 has been excepted from the cable installation requirements of IEEE Standard No. 45 since cable splicing is covered by § 111.60–19 of this chapter.

Paragraph (b) has been added to stress the Coast Guard's requirements for cable installation in tanks.

§ 111.60–9. Three comments requested that the term "vital equipment" be defined. The wording has been clarified.

Three comments suggested that the term "as far apart as possible" be clarified. The wording has been modified.

§ 111.60–11. Two comments pointed out that the referenced table should have been 310–16 in lieu of 310–13.

One comment indicated that the standards cited were for both stranded and solid conductors. This was an inadvertent omission. A requirement to use only stranded conductors has been added. Also, minimum wire size requirements have been added.

One comment suggested that UL 44, UL 83, and reference to NEC tables be deleted and that the only requirement be that wire be an UL recognized wire. The Coast Guard considers such a requirement to be too broad and that it would not necessarily provide a safe installation in a marine environment.

§ 111.60–13. One comment indicated that the Design Data sheet, DDS 304–2, should be referenced in lieu of the Cable Comparison Guide. The Coast Guard has decided to delete the Department of the Navy reference.

"Portable" cord and cable has been changed to "flexible" cord and cable throughout this section and subchapter to agree with the referenced NEC.

Paragraph (e) contradicts NEC 400–9 regarding the minimum size of flexible electric cord that may be spliced for repairs. Section 111.60–13(e) has been changed to agree with NEC 400–9 by limiting the minimum cable size that may receive a repair splice to No. 12 AWG.

§ 111.60–17. This section has been clarified and expanded. It was intended to include connections of conductors made within connection or junction boxes and connections made to equipment flexible leads, in addition to connections made at terminal blocks.

One comment indicated that there are other means to capture the terminal in addition to the one required by subparagraph(b)(2). The wording has been modified to allow other suitable means.

§ 111.60–19. One comment recommended acceptance of a splicing method and insulation that is recommended by the cable manufacturers without review action. This recommendation is rejected because the safety and reliability of a spliced marine cable is dependent upon the selection of proper connectors, installation tools and methods, insulation and jacket replacement material. This is best determined by a review of the complete splicing method in accordance with the requirements of this section since splicing methods are usually developed by the shipyard and are intended for use on a wide variety of cable types, sizes, and manufacturers.

One comment disagreed with the requirement that the insulation thickness had to be of the same or a greater thickness than the original insulation. Another comment suggested deleting the requirement that the replacement insulation be of "the same or greater thickness than that of the cable insulation" and require instead that the "mechanical properties of the replacement insulation be equal to or better than that of the cable insulation." The Coast Guard concludes that the latter would be difficult to determine and no change has been made.

One comment expressed concern that this regulation would not allow the use of a properly installed explosion-proof junction box to make a cable connection within a hazardous location. This was not the intent. The paragraph has been reworded to clarify that cables must not be spliced within a hazardous location using the method of § 111.60–19.

§ 111.60–19(d) SNPRM. One comment expressed concern that splicing intrinsically safe cables could conflict with §§ 111.105–11 and 111.105–15 of the proposed regulations and ISA recommended practice RP 12.6. A review of these items did not reveal any conflicts. One comment interpreted this regulation to prohibit splices made in approved junction boxes. This is not true. Splices made out in the open will be prohibited in hazardous locations by this regulation.

The cable insulation resistance requirement has been moved from § 110.30–3(q) to § 111.60–21.

§ 111.70–1. Three comments requested clarification of the fire pump exception. Additional wording has been added for clarity.

One comment suggested that it was not necessary to require three running overload units on 3 phase supply circuits. The Coast Guard agrees except when there is a wye-delta or delta-wye connected transformer. Paragraph (b) has been added.

Paragraph (c) has been added to retain the existing requirement of § 111.70–30(b) that requires an externally operable means of disconnecting motors from the circuit.

One comment stated that substantial change in the regulations occurred in the deletion of the requirement that no damage could occur upon interruption of a fault or on operation of a device. The regulations in Subpart 111.54 require compliance with UL 489 and other standards which have adequate design and test requirements.

One comment considered motor running protection set at 140 percent of motor full load current in accordance with the NEC to be too little protection and that the criticality of protection is much more severe in marine applications. The Coast Guard has decided to conform with the National Standard since the maximum setting has only been increased from 130 percent to 140 percent of full load current. This increase should not create a safety problem.

One comment pointed out that Article 430 of the NEC does not permit the use of panelboard or switchboard circuit breakers capable of being locked in the open position and located out of sight as a disconnect means and asked whether this prohibition was intended. The Coast Guard did intend that these requirements of the NEC be applicable to a shipboard installation.

§ 111.70–3. One comment suggested adding location requirements for metal enclosed switch gear. Paragraph (a) has been revised. The marine supplement has been added to UL 508 in paragraph (d). Paragraph (k) on identification of controllers has been reworded for clarification at the suggestion of one comment and is now paragraph (h).

As suggested by two comments, paragraph (f) has been revised to allow low voltage protection for vital propulsion auxiliaries which can be restarted from a central control station. Also, paragraph (f) has been revised to

allow sequential starting of low voltage release controllers so that the power source will not be overloaded when power is restored. Paragraph (g) is no longer applicable and has been deleted.

§ 111.70–3(l) SNPRM. One comment recommended that the angle of inclination be reduced to 15 degrees. Another comment suggested that it be changed to 22.5 degrees to be consistent with ABS Rules section 35.29 and IMCO Resolution A.325(IX) Regulation 2(f). The 20 degrees has been changed to 22.5 degrees.

§ 111.70–5. Two comments suggested that the heater circuit disconnect requirements should be described in this section. The section has been revised.

§ 111.70–7. In paragraph (a), two comments suggested that the overcurrent device should be set at 200 percent in lieu of 300 percent of the current-carrying capacity of the control, interlock or indicator circuit conductors in accordance with 430–72 of the NEC. The Coast Guard disagrees since the NEC now specifies 300 percent.

In paragraph (b), two comments suggested that a ground should not void the operation of the stop switches, not just the start circuit. The Coast Guard agrees.

§ 111.75–1. One comment suggested changing paragraph (b) to require an emergency feeder. The emergency lighting must meet the requirements of Part 112. Some vessels are permitted battery operated lanterns, thus requiring one of the feeders in § 111.75–1(b) to be an emergency lighting feeder would not be consistent with Part 112.

§ 111.75–5. One comment suggested that a 20-ampere lighting circuit be permitted for general lighting. The Coast Guard agrees.

One comment suggested that lighting distribution panels be permitted to feed loads other than lighting and appliance circuits. The Coast Guard agrees.

One comment suggested that mercury-vapor or sodium-vapor electric discharge lights be allowed. The Coast Guard agrees that such lights are acceptable.

§ 111.75–15. One comment suggested that paragraph (a) be expanded to require the two circuits to be arranged so that adjacent fixtures would be supplied from different, separately protected circuits. The Coast Guard disagrees, the minimum emergency lighting conditions are indicated in Part 112.

Four comments suggested changes to the illumination requirements of paragraph (c). Three of these comments suggested referencing the Illuminating Engineering Society's recommended practice for marine lighting. The Coast Guard concluded that the proposed regulation provides adequate safety but is a minimum requirement. The actual level of lighting in the various spaces should be a designer-owner-union decision and should not be regulated by the Coast Guard. The phrase "throughout the normally occupied areas" has been added for clarification.

§ 111.75–16. One comment suggested that the requirement for a floodlight at a forward liferaft launching area on a tanker should be deleted with the signal searchlights on the bridge wing being used instead. The Coast Guard disagrees since there would be the additional problem of having to man the bridge searchlights while lowering the forward lifeboat. This is not an acceptable solution.

§ 111.75–17. Five comments considered the overcurrent protection requirements of paragraph (a) to be unduly restrictive. The Coast Guard agrees and the requirements have been revised. The requirement for a feeder from the emergency switchboard has been added to paragraph (a) to reflect the requirement of proposed § 112.15–1.

At the suggestion of two comments, paragraphs (a) and (b) have been revised so that the feeder and panel overcurrent protection will be based on the circuit loads and would be applicable to a system of any voltage.

Three comments requested clarification of circuit requirements for navigation light indicator panels. The NPRM and existing § 111.75–15(g)(3)(ii) gave recommended circuit diagrams for the panels, but no specific requirements. The Coast Guard has deleted these diagrams and revised § 111.75–17 (b) and (c) to prescribe general requirements for the panels.

Three comments suggested that a Subchapter Q specification be published for navigation light approval. The Coast Guard is adopting an Underwriters Laboratories Inc. standard for navigation lights. This standard, UL 1104, consolidates the technical requirements of the navigation rules with the marine lighting fixture standard, UL 595. The Coast Guard will consider development of a Subchapter Q specification based on this UL standard.

Paragraph (d)(4) has been added to prescribe a method for determining the intensity of a flashing light.

The table giving standard incandescent lamp wattages has been deleted since it only gave recommendations. Actual intensities will be determined by testing.

Three comments expressed concern about the requirements for light screens of paragraph (f). The paragraph has been revised to require that light screens be used as needed for the lights to meet the sector cutoff parameters of the applicable navigation rules.

One comment supported the proposal to extend the requirement for navigation light indicator panels to all self-propelled vessels. However, that comment suggested that further extention of the requirement should be made to include push-towed vessels. These vessels are typically equipped with battery powered portable lights. It would not be practical to run cable to each light to provide for a monitoring system.

Throughout this section, the phrase "applicable Rules of the Road" has been changed to "applicable navigation rules". This was done because the "U.S. Coast Guard Navigation Rules, International-Inland" (CG–169) has superceded the Coast Guard pamphlet "Rules of the Road, International-Inland" (CG–169). Also the "Rules of the Road, Great Lakes" (CG–172) and "Rules of the Road, Western Rivers" (CG–184) have been superceded by the Inland Navigation Rules. Since the new CG–169 and Inland Navigation Rules have intensity standards, Table 111.75–17 has been deleted.

§ 111.75–18. Three comments stated that if approval is necessary for signaling lights it should be the subject of a Subchapter Q specification and this section eliminated. The Coast Guard does not agree that formal design approval and/or test requirements are necessary. International agreements merely require an "efficient daylight signaling lamp that does not solely depend upon the ship's main source of electrical power". The regulations in this subchapter set minimum requirements to ensure that the lights meet the intent of the international agreements.

The wording of this section has been changed to clarify the intention that the requirements apply to self-propelled vessels on an international voyage.

For vessels of over 150 gross tons and less than 300 gross tons, the specifications for the signaling lights have been relaxed so that a portable light with less stringent specifications can be used to meet the requirement on these smaller vessels.

§ 111.75–20. One comment questioned the need for any open-arc lamps on new vessels. Paragraph (b) has been deleted.

One comment suggested the requirement in paragraph (c) that lighting fixture globes be guarded or be of high strength material in some locations be made applicable only to incandescent fixtures. The requirement is applicable to all fixtures. The wording has been modified to indicate this fact.

One comment indicated that some of the plastic guards used to meet the requirement of paragraph (c) were being broken in service. The wording has been changed to require a "high strength" guard. The suitability of a guard meeting the high strength requirement will be determined by its durability in service.

One comment questioned the use of a fixture in an hazardous area—should it have a UL marine label or should it be UL approved for a hazardous location? The hazardous area requirements as well as these requirements are applicable. The fixture must be approved for the hazardous area by UL or Factory Mutual (must be labeled) but it must also meet the requirements of UL 595 (need not be labeled). The hazardous area requirements and the marine fixtures requirements are not conflicting.

§ 111.77–3. This section has been modified to remove specifications which were repetitive to the referenced UL standard.

§ 111.77–5. One comment stated that the motors and controllers normally provided with commissary equipment do not have watertight enclosures nor are they totally enclosed. It suggested a change to clarify the intent and permit the use of UL equipment normally provided for this application. The intent is to require the motor and controller to be in a watertight enclosure or be totally enclosed to protect the equipment in a damp or wet location. The regulation has been changed to only require watertight enclosures or totally enclosed motors in these locations.

§ 111.79–3. The reference to the NEC has been deleted since the exceptions allowed by the NEC 250–74 are not applicable to shipboard installations.

§ 111.79–7. Three comments considered the requirements of § 111.79–7 to be contained in UL 498 and that the repetition is not necessary. Only the interior unit of a receptable must meet UL 498.

§ 111.79–15. SNPRM. Two comments suggested that a warning sign advising that the breaker in the power panel is to be tripped before disconnecting the container be required in lieu of a switch interlocked receptacle due to the excessive cost of changing to the interlock type receptable. Another comment suggested that receptacles that are UL listed for circuit breaking service and have no energized bare metal parts readily accessible, even with the plug removed, be acceptable as equivalent under this regulation. This section has been revised to allow the alternatives suggested by these comments.

Subpart 111.81. One comment suggested that an outlet box in a machinery space should be dripproof in lieu of watertight as required by the definition in §§ 110.15–1(b)(7) (ii) and 111.81–7. The Coast Guard disagrees. Switchboards and panelboards installed in machinery spaces are installed in relatively dry locations which is not the case with outlet boxes, receptacles, etc.

§ 111.83–5. One comment indicated that the wording of this section was not clear. The section has been reworded.

§ 111.85–1. In paragraph (d), one comment suggested combining the function of the low level/no flow device with that of the high temperature device. The Coast Guard considers it unduly restrictive to require both devices to be combined. As presently written the sensing units could operate the same conductor interrupting device if so desired.

§ 111.87–3. One comment suggested that the term "regulatory switch" in paragraph (c) be further defined. The intent of the requirement was to require a temperature regulator such as a thermostat. The regulation has been modified to indicate this intent.

Two comments suggested the requirement in paragraph (c) for both a temperature regulator and a manually reset type thermal cutoff was unduly restrictive. The Coast Guard disagrees. The thermal cutout should not be used to regulate the temperature but should be utilized only upon the failure of the temperature regulating switch. Also, due to the fact that the thermal cutout must be the manually reset type, it would be impractical to control the temperature with this device.

Paragraph (e) has been added. This requirement was in the former regulations and was inadvertently omitted from the proposed regulations.

Subpart 111.91. One comment recommended that a section be included for rack and pinion driven elevators. Since the NPRM was published, industry awareness of elevator safety has increased. There is now a draft ASTM standard for shipboard elevators. Furthermore, ANSI is considering adding requirements to ANSI A17.1, the primary referenced document in the NPRM, for rack and pinion driven elevators. Due to the increased industry awareness of elevator safety and the improvements in the applicable industry standards, the Coast Guard is of the opinion that increased regulations in this area are not necessary.

Subpart 111.93. SNPRM. Many comments were received from representatives of the offshore supply vessel industry concerning applicability of this subpart to the offshore supply vessels. The internationally recognized design philosophy reflected in these regulations employs redundancy and independence as the means of achieving steering system reliability. The international requirements were written for vessels over 500 gross tons. For cargo vessels of 500 gross tons or less the Coast Guard will consider steering systems which will achieve equivalent reliability to a system required by these regulations. A system which is considered equivalent will be acceptable to the Coast Guard. Provision for acceptance of equivalent equipment is in § 110.20–1 and § 111.93–5.

Three comments considered the requirement that the two steering systems must be separate on a port and starboard basis to be unnecessarily restrictive. The Coast Guard has decided that a simplified system with no electrical cross-connections will decrease the chances of operator error when shifting steering systems and will increase reliability since there will be no common parts to the two systems.

§ 111.93–5. SNPRM. Three comments indicated concern that requiring the two steering systems to be separate on a port and starboard basis would not allow for a valved cross-over line between the two systems. It is intended that the two systems be electrically independent so that a shift from one system to the other can be effected by one movement of the control switch handle in the pilothouse. Steering gear piping is not addressed here, but is covered by § 58.25–70 of this chapter. Valved cross-overs will continue to be allowed so long as the requirements of §58.25–70 are met.

The words "a main steering gear and" have been deleted from § 111.93–1(b) for clarification. Also, the definition of "main steering gear" in § 111.93–3(a) has been made applicable to "steering gear." The difference between a main steering gear and auxiliary steering gear is defined in Part 58 of this chapter.

§ 111.93–7. SNPRM. One comment asked why the alternate emergency power supply, if provided, could not be used for other purposes. IMCO recommendations state that this source of power should be used only for this purpose. The international philosophy is that the power source will be more reliable if it is used for no other purpose. The Coast Guard agrees with the IMCO recommendations and this regulation will not be changed. Another comment suggested that the alternate emergency power supply be allowed to be located outside the steering gear compartment. IMCO recommendations specifically provide that this power source be located inside the steering gear

compartment for purposes of accessibility, simplicity, and reliability. The Coast Guard will adopt this IMCO recommendation.

Paragraph (a) has been revised to only require an emergency source of power for the steering gear on vessels based on the size of the rudder stock as recommended by IMCO. Also, vessels that are not required to have an emergency source of power by § 112.05–5(a), will not be required to provide emergency power to the steering gear.

§ 111.93–9. SNPRM. Paragraph (b) has been revised to exclude an alternative steering station from the requirement that the control system be capable of being operated from the wheelhouse.

Paragraph (c) has been revised to except vessels of less than 500 gross tons from the requirement that each steering gear power unit be controllable from the steering gear room. The arrangement required by this paragraph is an IMCO recommendation which is not intended to apply to these smaller vessels.

§ 111.93–11. SNPRM. One comment suggested that "short circuit protection only" should not be required for indicating and alarm systems and that normal overcurrent protection should be provided. The Coast Guard disagrees. When an alarm circuit is energized, it is possible that transient overloads caused by system components may trip the circuit protection device before the alarm is heard or seen.

§ 111.93–13. SNPRM. One comment recommended that a control power failure alarm be added as recommended by IMCO and that the alarm for opening of a steering gear feeder circuit breaker be eliminated since it is redundant to the alarm for failure of the steering gear power supply. The Coast Guard agrees. Another comment recommended reducing the number of alarms. The required locations of alarms have been changed to agree with IMCO recommendations and this has reduced the number of alarms.

A note has been added at the end of this section to accommodate vessels which will not have steering gear rooms large enough to contain all the steering system equipment required to be in the steering gear room.

§ 111.95–1. Paragraph (b) has been added to cross-reference other applicable requirements.

§ 111.95–5(c). One comment suggested that only waterproof motors be required. The Coast Guard disagrees—watertight motors could be used for this application.

§ 111.95–7. Four comments requested clarification of paragraph (b). This has been done.

Subpart 111.99. One comment pointed out that the last two sentences of § 111.99–5(d) are contradictory. The last sentence was intended to be an exception to the next-to-last sentence. This has been clarified.

Three comments suggested that a Subchapter Q specification be written for firescreen door holding systems. The Coast Guard disagrees since the requirements are primarily related to the installation on a particular vessel.

§ 111.103–3. Two comments suggested clarification in paragraph (a) that the supply circuit breaker may be one of the required stop controls. The Coast Guard agrees.

Three comments questioned whether the grouping requirement of § 111.103–3(b), conflicted with proposed § 111.30–25(h) (now § 111.30–24(b)). Paragraph 111.30–24(b) requires separation of duplicated equipment; however, the ventilation fans are not duplicated so they may be grouped on the switchboard.

§ 111.103–5. This section has been deleted. Cargo hold ventilation has been included in § 111.103–1 since it was intended that cargo hold ventilation systems have remote stopping systems that meet the same requirements as those for other power ventilation systems. This is consistent with former regulations and IEEE–45.

§ 111.103–7. One comment pointed out that undervoltage requirements are not a function of a stop station. The Coast Guard agrees. The undervoltage type requirement has been deleted.

§ 111.105–11. A grounded metal barrier has been added as an acceptable means for separating electric cable for an intrinsically safe system from non-intrinsically safe electric cables. The requirement that the cable have only intrinsically safe circuits has been deleted since that requirement is contained in ISA RP 12.6 which is now referenced in § 111.105–15(b).

Sections 111.105–11(c), (d) and (e) have been added to stipulate what information is required to be submitted under § 110.25–1(1).

§ 111.105–15. SNPRM. Four comments recommended that cable which is neither armored or MI type be permitted on mobile offshore drilling units. They were particularly concerned about the flexible cable which supplies skid mounted machinery components. Armor used on such cable would remain intact for only a short time and would add to the cost of such cable. The IMCO code for the Construction and Equipment of Mobile Offshore Drilling Units recognizes the use of unarmored flexible cable in hazardous locations and the National Electric Code allows tray cable without armor in a Class I, Division 2 location. After a review of this requirement, the Coast Guard has determined that the intent was to require armor only in Class I, Division 1 locations and areas which are considered equivalent to or greater in hazard.

One comment suggested that there were conflicts between § 111.105–11(b) of the original proposed regulations and § 111.105–15 of the supplemental notice which references ISA RP 12.6. Section 111.105–15 has been clarified to eliminate any conflict. The same comment interpreted ISA RP 12.6 to not require identification of cable containing intrinsically safe conductors external to panels in hazardous locations. This interpetation is not correct. Intrinsically safe wiring must be identified in hazardous locations. It also stated that there is no practical way to identify cable exposed to the elements which is in danger of being painted. Cable should not be painted. In addition, there are many acceptable commercial methods of identifying cable such as stamped metal tags and heat shrink labels.

§ 111.105–19. This section has been revised to reflect the same requirement as for ordinary location circuit breakers; that there be a pole for each ungrounded circuit conductor.

§ 111.105–29. Four comments suggested that impressed current cathodic protection systems not be permitted in combustible liquid cargo tanks. The Coast Guard agrees.

§ 111.105–31. One comment suggested that installation requirements for lighting fixtures in hazardous areas be provided. These requirements are in the referenced NEC, Article 501–9.

Six comments questioned the exclusion described in paragraph (a)(1) and three comments stated that paragraph (k) was incomplete for liquified gas carriers. Requirements for ammonia and liquified gas carriers have been moved to a new section, § 111.105–32. These requirements are complete and the exclusion has been clarified.

One comment discussed inconsistencies between requirements for inorganic acids contained in this section, §§ 153.555 and 151.05–1 of this chapter. A NPRM modifying Part 153, published July 17, 1980 (45 FR 48058), includes a change to § 153.555, making this section a reference for inorganic acid carrier requirements. Additionally hazard class and group designations were proposed for the inorganic acids in that NPRM. The proposed designation for the inorganic acids is "I–B." Due to comments received on that NPRM, a footnote will be added to the table

which will exclude the weatherdeck of a tankship carrying inorganic acid from the "I–B" classification. Section 111.105–31(1) has been revised accordingly. Part 151 of this chapter contains no hazard group designation for inorganic acids; this deficiency will be corrected in a future rulemaking. The language of § 111.105–31 has been revised to include only inorganic acid tankships until the rulemaking for barges in Part 151 has been finalized.

In paragraph (h)(2), three comments requested clarification of the term "gastight enclosure." The wording has been changed to clarify this requirement which is now in § 111.105–31(i)(2).

Two comments suggested that purged and pressurized lighting be permitted in the cargo handling room. The Coast Guard considers the explosionproof lighting fixtures to be more reliable and that they are easier to maintain than purged and pressurized systems. The explosionproof lighting fixtures are being allowed where through-the-bulkhead-type fixtures can not provide adequate lighting. In both cases, the safety of the installation is dependent upon the physical integrity of the fixtures. In the case of purged and pressurized systems, the safe operation is further dependent upon operation of the air source, alarms, and shutdowns, making the installation more complex. The Coast Guard is not ready to allow that type of installation in a cargo handling room which is considered to be more hazardous than a Class I, Division 1, hazardous location.

One comment stated that requiring the installation of an explosionproof alarm bell in a cargo handling room may be in conflict with the ABS. The requirement for an alarm bell in a cargo handling room has been deleted from § 113.25–9.

§ 111.105–35. One comment stated that you cannot have a Division 2 area with coal as per Section 500–5(a) of the NEC. Bituminous coal is not electrically conductive; therefore, a space that has a coal conveyor can be considered a Class II, Division 2 space since combustible dust will not normally be in suspension in the air in quantities sufficient to produce an explosive atmosphere.

PART 112—EMERGENCY LIGHTING AND POWER SYSTEMS

Part 112. Two comments suggested that this part be reorganized because it was confusing to read about details required for lighting before the power supplies were defined. The Subpart 112.07 Emergency Lighting Systems has been moved and is now Subpart 112.43.

§ 112.05–1. One comment suggested that a statement be included that the emergency generator should have sufficient capacity to simultaneously supply all connected loads (load factor of unity). Section 112.05–5(a) contains a similar statement and is considered to be adequate.

Nine comments suggested that limiting the loads on the emergency bus to those listed in § 112.05–1(b) was unduly restrictive. Some comments suggested that if some vital propulsion related auxiliaries were fed from the emergency bus it would allow the vessel to maintain or quickly recover its propulsion plant. Other comments suggested that any load be permitted provided the emergency generator has sufficient capacity. IMCO Resolution A. 325(IX) basically requires that only emergency loads be routinely supplied from the emergency switchboard. The Coast Guard agrees that only emergency loads are allowed to be fed from the emergency bus and that non-emergency loads may be supplied by the bus-tie. The regulations have been modified to permit other loads which may be considered emergency loads, depending upon the route and vessel type, to be supplied from the emergency source. Non-emergency loads, such as refrigerated cargoes, bow thrusters, etc., will not be permitted on the emergency bus. Dead-ship start-up can be accomplished through the bus-tie.

§ 112.05–5. Some of the oral and written comments received indicated there were some questions as to where a temporary power source is required. Table 112.05–5(a) has been revised to facilitate understanding.

The emergency power source requirements for nuclear vessels have been deleted from § 112.05–5(a) and § 112.15 because they were inadequate and did not address the entire problem. Requirements for nuclear vessels are only being worked on at IMCO and regulations will not be written until this work is finalized.

Three comments stated that the required capacity of the emergency power source was far in excess of the existing regulations and of that recommended by IMCO Resolution A.325(IX). Specifically they indicated that IMCO recommended that power to the life boat floodlights be provided for three hours and only intermittent power was required for ships whistle and alarms. The comments indicated concern with the size of the temporary emergency batteries. First, it should be pointed out that the loads required to be powered by the temporary emergency source by the proposed rules and IMCO A.325(IX) are basically the same. Secondly, they both require a minimum of one-half hour of operation for the required loads, not the three hours indicated by the comments.

Table 112.05–5(a) has been modified by footnote 2 to require emergency power source capacity for 30 minutes operation of the auxiliary steering gear.

In § 112.05–5(b), three comments stressed that it was overly restrictive to prohibit remote stopping of the emergency generator, while another comment indicated that the present wording would preclude the use of a fuel oil shut-off valve at the fuel tank. A remote electrical engine stop control is prohibited so that a casualty in a space containing a remote stop could not cause the emergency generator to become inoperative. The intent of this section was not to preclude a remote mechanical fuel oil shut-off valve to an independent fuel oil tank. The paragraph has been revised to indicate this intent.

The requirement that the prime mover of an emergency generator be either a diesel engine or a gas turbine has been moved from Table 112.05–5(a) to paragraph (i).

In § 112.05–5(c), one comment indicated that since it was impractical to test the emergency installation at 22½ degrees heel and 10 degrees trim that, as a minimum, the manufacturers must certify that the emergency equipment will function at these angles. The Coast Guard disagrees. While the equipment must be designed to function under the specified conditions, actual performance can be affected by the installation; therefore manufacturer's certification is not appropriate. Although performance testing of the installed equipment under these conditions is not practical, the effects of these conditions can be taken into account in the design, arrangement and installation of the equipment. The wording of this section has been modified to clearly indicate the intent of requiring the emergency generator of all vessels to operate at its maximum angle of heel given the required assumed damage.

In § 112.05–5(d), one comment suggested adding the words "on or" between "and" and "above". The phrase "above the main decks" has been changed to "above the uppermost continuous desk" and includes a piece of equipment on the main deck if the main deck is the uppermost continuous deck.

In § 112.05–5(e), five comments suggested that the compartment containing the emergency source should be allowed to adjoin a Category A machinery space if the bulkhead between the two has an A–60 fire classification. IMCO Resolution A.325(IX) requires the compartment not

to have boundaries contiguous with a Category A machinery space as far as practicable. The regulation has been modified to include the phrase "as far as practicable" and the requirement for a class A–60 bulkhead when it does adjoin.

In § 112.05–5(f), two comments suggested that it was not practical to eliminate through runs of cable for emergency circuits on drill units. The Coast Guard disagrees. One of the most important situations in which emergency circuits are needed is when there has been a casualty in a machinery space, thus it is necessary that through runs of cable for emergency circuits be excluded from category A machinery spaces.

One comment suggested that through runs of fire resistant cables be permitted. A "fire resistant" cable is usually considered a cable that has passed the flammability test contained in IEEE Std. No. 45. This is not adequate to insure continuity of service in a machinery space fire.

In § 112.05–5(h), one comment questioned the requirement of having the emergency generator and the emergency switchboard in the same space because of the desirability of keeping the switchboard in a clean environment. The Coast Guard concludes that it is more important to reduce the change of fire or other hazard induced damage to the emergency power source equipment by keeping it all in one space.

Subpart 112.07. This subpart has been renumbered as Subpart 112.43. Discussions relative to proposed Subpart 112.07 will be found under the renumbered Subpart discussion.

§ 112.15–1. One comment suggested breaking up the first sentence in § 112.15–1(d) to make it more understandable. The Coast Guard agrees.

One comment indicated that 46 CFR 161.002–9 permitted the fire detection system to use the emergency switchboard as one of its power sources. A paragraph has been added to allow the fire detection system load.

§ 112.15–5. One comment suggested allowing a crews' elevator to be considered as an emergency load. The Coast Guard does not consider that the crews elevator is an emergency load.

Three comments considered the equipment required to receive power from the final emergency power supply to be far in excess of the existing regulations. They also stated that many of the loads listed in the proposed regulations were recommendations in the existing regulations. The comments appear to be due to an error made in reading the rules. First, there are no loads that are only recommended in the existing regulations. Four new loads were added to the list of final emergency loads for ships. Two of these, the elevator on passengers ships and the steering gear on ocean, Great Lakes and coastwise vessels were required by IMCO Resolution A.325(IX). The third load, the rudder angle indicator requires very little power and is an insignificant load. The fourth load is the lube oil pumps for propulsion turbines and ship's service generator turbines that need external lubrication. This need not be an electrical pump since a gravity tank would suffice. The wording of § 112.15–5(g) has been changed to indicate this load is optional.

One comment suggested the addition of a paragraph to require the general alarm flashing lights as outlined by § 113.25–10. Paragraph (p) has been added to correct this oversight.

Paragraph (r) has been added to require emergency power for any permanently installed diving system which is dependent on ship's service power.

One comment pointed out that § 112.50 permitted a starting air compressor to be powered from the emergency bus but this load was not included in the list. This oversight has been corrected.

§ 112.20–15. In paragraph (a), a forty-five second time limit for automatic transfer of the emergency load has been added to reflect an IMCO recommendation. This also clarifies the Coast Guard's intent since many persons have misinterpreted the 20 second cranking limit of § 112.50–1(e) to be the total limit for assumption of the emergency load by the emergency generator. Section 112.25–10 has been similarly revised.

§ 112.30. Three comments indicated that it appeared as though these provisions would apply only to barges due to the number of loads required by § 112.15. The Coast Guard considers a battery system to be viable on certain small vessels and concludes that the alternative should remain in the regulations.

Subparts 112.37 and 112.39. These subparts have been added to reflect requirements that were previously in Table 112.01–5(a).

§ 112.43–1. Two comments suggested permitting the use of switches in explosion-proof emergency lighting circuits as an added precaution against relamping such fixtures while energized and to avoid the additional hazard of keeping a circuit in such areas continuously energized. The Coast Guard agrees, provided the switches are located outside of the pumproom.

§ 112.43–7. In paragraph (a)(1), one comment suggested that ships that normally do not tow but have towing lights aboard which are arranged for portable mounting be permitted to supply these lights from a general lighting circuit since it would be impossible to tow if the normal source is inoperative. The Coast Guard has decided that a specific exemption is not necessary in the regulations and that such situations can be handled by Subpart 110.20 of this subchapter.

One comment pointed out that a discrepancy existed between § 112.43–5 and § 112.43–7(a)(2). This has been resolved by adding the words "except as allowed in § 112.43–5 of this part" to § 112.43–7(a)(2).

§ 112.43–13. A new paragraph has been added as § 112.43–13(b) to retain from the former regulations the option of providing a through feed from the feeder to the wheelhouse emergency lighting panel.

§ 112.45–5. Two comments suggested deleting the requirement for a test switch, indicating that opening the bus-tie circuit breaker would accomplish the same purpose. The Coast Guard disagrees in that this operation would not test the main-emergency bus-tie disconnect.

§ 112.50–1. One comment suggested referencing § 111.12–1(b) in paragraph (h) for detailed overspeed trip requirements. The Coast Guard agrees.

Paragraph (k) has been added to clarify that an independent fuel supply must be provided for the emergency generator prime mover.

§§ 112.50–3, 112.50–5, 112.50–7. One comment suggested deleting § 112.50–3(g) and § 112.50–7(d), stating that there was no need to hold 3 cranking cycles in reserve. The Coast Guard disagrees. There is a need to have a person check out the prime mover before the final three cranking cycles are depleted. This is also a recommendation of IMCO Resolution A.325(IX). The electric starting has been revised to reflect this three cranking cycle requirement.

Two comments suggested deletion of § 112.50–7(e), indicating that there was no need for the visual alarm when compressed air starting was used if there was no requirement for such an alarm on a hydraulic or electric installation. The Coast Guard agrees and the paragraph has been deleted.

§ 112.55–15. Three comments suggested deleting paragraph (c) since there are many types of batteries with different voltages. The Coast Guard agrees.

PART 113—COMMUNICATIONS AND ALARM SYSTEMS AND EQUIPMENT

Two comments suggested reorganizing this part to include smoke detectors and manual alarms as well as information on a supervised patrol system under a fire detection and alarm system section. The Coast Guard disagrees. The appropriate location for the patrol system requirements would be the operations sections of the respective general vessel subchapters—the present location. The present organization is considered satisfactory.

Throughout this Part, the words "must be approved" have been deleted except where actual Coast Guard approval by the Commandant is required. Equipment or systems which have specific requirements in this subchapter can be reviewed by the District Merchant Marine Technical offices. Items which require approval by the Commandant must be reviewed at U.S. Coast Guard Headquarters. Commandant is defined in § 110.15–1(a)(3).

§ 113.10–1. Four comments indicated that the Subchapter Q specifications for fire detection and alarm systems are outdated. The Coast Guard agrees. A regulation project will be initiated to update these regulations, hopefully utilizing U.L. and Factory Mutual Standards.

§§ 113.10–3, 113.10–5, and 113.10–7. These sections have been rewritten for clarification and the power supply requirements have been added in a new section, § 113.10–9. The power supply requirements have been deleted from § 161.002–9 since installation requirements are more appropriately located in Subchapter J.

Subpart 113.15. The requirements in this subpart repeated those of Subpart 113.10. These two subparts have been combined in a single Subpart 113.10.

§ 113.25–3. Three comments suggested that the general alarm system equipment should have Subchapter Q specifications since it requires the Commandant's approval. The Coast Guard disagrees. First, there is now no requirement for the Commandant's approval, but only that the equipment installation be approved. Second, the technical requirements for the equipment are contained in this subpart. Approval is obtained by submittal of plans that show the information required for approval to a District Merchant Marine Technical Office as required by 46 CFR 110.25–1. The existing procedure is considered satisfactory and as stated above, the words "must be approved" have been deleted for clarification.

§ 113.25–6. One comment suggested deleting paragraphs (e)(2) through (e)(4) because of the possibility of human error with the switching schemes and because of the possibility that the other loads will discharge the batteries making it unavailable for the alarm. The Coast Guard disagrees. The system outlined in paragraph (e)(3) is continuously charged as required by § 112.55–10. The systems referred to in paragraphs (e)(2) and (e)(4) have other loads which are normally in use, thus the operating personnel would need to keep a charged battery connected to the load to keep the other equipment operating.

§ 113.25–8. In paragraph (c), one comment suggested requiring the space containing the distribution panel to be as close as possible to the general alarm battery enclosure in lieu of being adjacent to the battery enclosure. The Coast Guard disagrees since this would reduce the reliability of the system since a fire or other casualty in any intervening space could disrupt the power supply to the distribution panel. This reduction in reliability is unacceptable in this type of emergency alarm system.

In paragraph (f), one comment suggested clarifying the regulation by allowing up to 5 alarm bells or flashing lights or a combination of both in lieu of only 5 bells. The Coast Guard agrees. The regulations have been modified to reflect this change.

One comment suggested that the main machinery space be exempted from the requirement that a branch circuit must not supply bells on more than one deck level. The Coast Guard agrees.

§ 113.25–9. In paragraph (b)(2), one comment requested a definition of moderate weather. The term "moderate weather" is considered self-explanatory and no further definition is necessary.

One comment suggested clarification of the wording in paragraphs (a) and (b) to clearly indicate the locations in which the bells are required to be located or heard. The Coast Guard agrees. The regulations have been clarified.

§ 113.25–10. One comment suggested requiring the flashing red lights to be of a high intensity beam, rotary beacon type, in order that the light may be seen. The Coast Guard agrees that the light should be a high intensity type but disagrees that it should be limited to a rotating beacon type.

§ 113.25–25. Installation requirements for the general alarm systems on manned ocean and coastwise barges have been added to this section.

§ 113.27–1. Three comments suggested that the engineers' alarm be better defined. It was requested that the power source be specified and the number and location of the bells be specified. The name of the alarm has been changed to an "engineers' assistance-needed alarm" to clarify the intent of the regulations. The Coast Guard considers it unnecessary to specify number and location of bells in that the intent of the bell, to be audible in the engineers' accommodation spaces, is sufficient. Tne power source should be the general alarm power source since the alarm is probably most needed during an emergency such as a loss of the main power source.

§ 113.30–10. Two comments recommended updating the reference to IEEE Std No. 45 to the 1977 edition by changing section 37.5 to section 37.31. This change has been made.

§ 113.30–25. Three comments suggested that technical requirements and approval procedures be included for sound powered telephones. The Coast Guard considers the requirements in this section to be adequate and the plan submittal procedures to be clear.

Two comments suggested that a light be permitted in addition to the bell in high noise locations. The Coast Guard agrees.

§ 113.35. One comment indicated that mechanical engine order telegraphs were being installed on new vessels and thus the regulations for these devices should remain in the regulations. The Coast Guard agrees. The former regulations are retained in §§ 113.35–9, 113.35–11, 113.35–13, and 113.35–15. The use of corrosion-resistant aircraft type cable has also been permitted as well as the 10 gauge wire to reflect state-of-the-art technology.

One comment stated that problems have been encountered on double-ended ferries when control is transferred, but the transmitter in the unattended wheelhouse remains active. If the handle of that transmitter is inadvertently moved, it would take control and a hazardous situation could develop. Section 113.35–19(d) has been added to require a manually operated transfer switch which will disconnect the transmitter in the unattended wheelhouse.

§ 113.35–3 SNPRM. One comment suggested that sound powered telephone communications be allowed in lieu of an engine order telegraph indicator at local control stations. The Coast Guard agrees; however, this communication system will not be effective due to noise levels in the engineroom unless head set type sound powered phones with sound suppressors are used. Therefore, satisfactory operation of the communication system must be

demonstrated while the vessel is being navigated. The circuit between the local control stations and the normal machinery control station must be independent of any other communication stations required by § 113.30–5 due to the possibility of an unsecured head set causing interference on those circuits. Appropriate revisions have been made to §§ 113.30–5, 113.30–20, and 113.35–3.

§ 113.35–5. In paragraph (b), one comment pointed out that standard practice in recent years has been to mark dials in lieu of engraving and suggested the regulation be changed. The Coast Guard agrees.

In paragraph (d), one comment suggested that a knob be allowed on the engineroom indicator. The Coast Guard agrees.

In paragraph (g), the distance at which it must be possible to determine the position of the operating handle has been defined. This change has also been made to § 113.35–9(g).

§ 113.35–7. Two comments suggested that the requirements be modified to allow a dripproof telegraph instrument, provided it is not in the weather. The Coast Guard agrees.

Paragraphs (f) through (h) have been added. These are existing requirements which were inadvertently left out of the NPRM.

§ 113.35–11. One comment suggested changing the word "instrument" to transmitter since indicators do not need the mechanical stop. The Coast Guard agrees. This section has been renumbered as § 113.35–17.

§ 113.35–19. This new section has been added to retain existing requirements for operation of electric engine order telegraph systems which were inadvertently left out of the NPRM.

Subpart 113.37 SNPRM. Two comments indicated confusion with the requirement of § 113.37–10(a) that each indicator be independent of the propulsion control system. They stated that in case of propulsion failure, the indicator would be unnecessary. This is true; however, the regulation requires independency of the propulsion "controls". Should the control system fail, the engines could be controlled manually at the local control station. The indicator in the wheelhouse would then indicate if engine orders are being correctly carried out. Another comment considered the propulsion control handle in the wheelhouse to be sufficient to indicate direction of shaft rotation. In the local control mode, the control handle would no longer indicate what the shaft is doing, nor would it give a correct indication should there be a propulsion control failure.

Two comments suggested that indicators installed in the wheelhouse, out of the way of any entry way, be allowed to be of dripproof construction. The Coast Guard agrees.

Subpart 113.40. Three comments suggested that these requirements for rudder angle indicators be moved to Subpart 111.93. The Coast Guard disagrees. Since the rudder angle indicator is an important communication device that is independent of the steering gear, the requirements should be separate from those for the steering gear and should remain in Part 113.

One comment recommended that rudder angle indicator repeaters be required at all conning positions in addition to the steering station. Coast Guard regulations require that other items for navigation and communications be installed in the wheelhouse with the intention that the central control point for navigation of the vessel be within the wheelhouse. There are presently no requirements to set up conning positions in addition to the wheelhouse.

A statement has been added to § 113.40–10(a) to clarify that the rudder angle system should be independent of the steering gear control system.

Subpart 113.43 SNPRM. Three comments considered this steering failure alarm to serve no purpose on smaller vessels. The rudder reaction and vessel response time on smaller vessels is much quicker than the alarm response time. The Coast Guard has decided to require the alarm for vessels of 1600 gross tons and over.

One comment suggested that these requirements be included with other steering system requirements in Subpart 111.93. The Coast Guard disagrees, since the alarm is required to be independent of the steering system and the other steering system alarms, these requirements should remain in a separate section.

One comment expressed the opinion that the alarm is not needed since the rudder position is already monitored by the rudder angle indicator and that the other alarms required in Subpart 111.93 monitor steering system failure. The Coast Guard feels that this independent alarm is needed to audibly alarm all types of steering failure. The rudder angle indicator will not give an audible alarm and the other alarms required by Subpart 111.93 do not monitor all possible reasons for steering failures.

The wording of § 113.43–3(a) has been revised to clarify that the alarm is applicable to followup control systems and does not apply to autopilot systems. Autopilot systems would have their own alarm systems to warn the operator of a malfunction.

Two comments suggested changes to the formula of § 113.43–3 which would allow for a time delay. There is already a time delay built into the formula which gives the longest time delay for the smallest ordered rudder change and no time delay for the largest ordered rudder change. This time delay accounts for the time required for the rudder to attain the minimum required rudder rate of two and one-third degrees per second. At the suggestion of one comment, the "5 seconds" and "1 degree" in § 113.43–3(a)(2) have been changed to "6.5 seconds" and "5 degrees" respectively. This revision was made because the alarm is not intended for ordered rudder changes of less than 5 degrees.

One comment considered the power restriction to the alarm of § 113.43–5(a) to be unreasonable and suggested that the alarm could be supplied by the same branch circuit as other wheelhouse alarms. The Coast Guard agrees as long as the steering failure alarm power supply is independent of any steering gear power, control, or alarm circuits.

§ 113.45–5. Three comments suggested that refrigerated space alarms should be dropped in favor of requiring door latches which cannot be locked on the outside. The Coast Guard concludes that it is the operator's decision whether an inside trip free latch or an alarm system should be provided.

§ 113.50–15. A note has been added to Table 113.50–15 to clarify the method of determining required signal and voice levels.

§ 113.65–5. Two comments pointed out that the title to this section was a typographical error and should read "Subpart 113.65 Whistle and siren operators." This error has been corrected.

Three comments suggested that requirements for sirens be dropped since sirens are not commonly installed on vessels. The Coast Guard agrees.

One comment indicated that the referenced section in IEEE Std No 45–1977 should be 37.25 in lieu of the 37.45 indicated.

The following table listing old section numbers of the superseded regulations and the corresponding section numbers of similar items in these revised regulations is published as an aid to interested persons:

DERIVATIVE REFERENCE TABLE

Old section No.	New section No.
110.01–1 to 110.01–10	Deleted.
110.05–1 to 110.05–5	110.01–1.
110.10–1 to 110.10–5	110.10–1.
110.15–1 to 110.15–195	110.15–1.

DERIVATIVE REFERENCE TABLE—Continued

Old section No.	New section No.
110.20-1	Same.
110.25-1 to 110.25-5	Deleted.
111.01-1 to 111.01-5	Deleted.
111.05-1	Deleted.
111.05-5	110.25-1 to 110.25-5.
111.05-10(a)-(b)	110.30-1 to 110.30-3.
111.05-10(c)	Deleted.
111.05-10(d)-(e)	110.30-5 to 110.30-7.
111.05-15(a)-(e), (g)	111.01-1 to 111.01-13.
111.05-15(f)	111.05-3 to 111.05-9.
111.05-20	111.01-15.
111.05-25	111.01-17.
111.05-30	Deleted.
111.10-1	111.10-1 to 111.10-11.
111.10-5 to 111.10-40	111.12-1 to 111.12-7.
111.15-1(a)-(b)	111.15-1.
111.15-1(c)	111.15-3.
111.15-1(d)	111.15-5(f).
111.15-5	111.15-5(a)-(c).
111.15-6	111.15-5(d)-(e).
111.15-10	Same.
111.15-15	111.15-5(g)-(h).
111.15-20	Same.
111.15-25	Same.
111.20-1 to 111.20-5	Same.
111.25-1 to 111.25-5	Same.
111.25-10	111.25-1.
111.25-15	Same.
111.25-20 to 111.25-30(b)	111.25-1.
111.25-30(c)	111.01-9.
111.25-30(d)	111.01-3.
111.25-30(e)	111.105-5.
111.25-35	111.70-1.
111.30-1(a)	111.70-1.
111.30-1(b)	111.30-1 to 111.30-3.
111.30-1(c)	111.30-9.
111.30-1(d)	111.30-5.
111.30-1(e)	111.30-5(f).
111.30-1(f)	Deleted.
111.30-1(g)	111.30-5(c).
111.30-1(h)	111.30-15.
111.30-1(i)	111.30-17.
111.30-1(j)	111.30-13.
111.30-5	111.30-19.
111.30-10(a)	111.30-21.
111.30-10 (b) and (c)	Deleted.
111.30-15(a)	Deleted.
111.30-15(b)	111.30-27.
111.30-15(c)	111.30-25.
111.30-20	111.30-29.
111.30-30	111.30-31.
111.35-1 to 111.35-5	111.35-1.
111.40-1(a)	111.40-7.
111.40-1(b)	111.40-5.
111.40-1(c)	111.40-9.
111.40-1(d)	111.40-1.
111.40-1(e)	Deleted.
111.40-1 (f) and (g)	111.40-1 and 111.40-15.
111.40-1(h)	111.40-11.
111.50-1	111.50-3.
111.50-5	Same.
111.50-10 (a) and (b)	111.50-7.
111.50-10 (c) and (d)	111.50-9.
111.50-15 (a) and (b)	111.53-1.
111.50-15(e)	111.54-1.
111.50-20(a)	111.53-1(a) and 111.54-1(a)(3).
111.50-20(b)	111.57.
111.50-20(c)	110.25(a)(6) and 111.52-1 to 111.52-5.
111.50-25	110.25(a)(7) and 111.51-1 to 111.51-3.
111.55-1 to 111.55-5	111.55-1 to 111.55-9.
111.60-1(a)-(c)	111.60-1.
111.60-1(d) to 111.60-1(n)	111.60-3 to 111.60-5.
111.60-5	111.60-11 to 111.60-13.
111.60-10	111.60-7.
111.60-15	111.60-5.
111.60-20	111.60-5.
111.60-25(a)-(e)	111.60-5.
111.60-25(f)	111.05-11.
111.60-25(g)	111.20-10.
111.60-25(h)	111.60-15.
111.60-15(i)	Deleted.
111.60-25(m)	111.60-17.
111.60-25(n)	111.60-5.
111.60-25(o)	111.60-9.
111.60-30	111.05-11.
111.60-35	111.05-9.
111.60-40	111.60-19.
111.65-1	111.12-11.
111.65-5 to 111.65-10	111.05-17 and 111.12-11.

DERIVATIVE REFERENCE TABLE—Continued

Old section No.	New section No.
111.65-15	111.12-11.
111.70-1 to 111.70-20(h)	111.70-1.
111.70-20(i)-(q)	111.70-3.
111.70-25	111.70-3(d).
111.70-30	111.70-1.
111.70-35	111.70-5.
111.70-40	111.70-7.
111.75-1	Same.
111.75-3	111.20-15.
111.75-5	Same.
111.75-10	Deleted.
111.75-15(a)-(d)	111.75-15(a)-(e).
111.75-15(e)	111.75-16.
111.75-15(f)	Same.
111.75-15(g)	111.75-17.
111.75-15(h)	111.75-18.
111.75-20	Same.
111.75-25	111.77-1.
111.75-30	111.79-1 to 111.79-15.
111.75-35	111.81-1 to 111.81-13.
111.80-5	111.105-1 to 111.105-27.
111.80-8	111.105-11.
111.80-10 to 111.80-13	111.103-1 to 111.103-9.
111.80-15	111.83-1 to 111.83-5.
111.80-20	111.105-37.
111.80-25	111.105-39.
111.80-30	111.89-1.
111.80-35	111.91-1.
111.80-40	111.101-1 to 111.101-3.
111.80-45	111.97-1 to 111.97-7.
111.80-50	111.99-1 to 111.99-5.
111.80-55	111.95-1 to 111.95-7.
111.80-60	111.87-1 to 111.87-3.
111.80-65	111.77-3 to 111.77-11.
111.80-70	111.93-1 to 111.93-13.
111.85-1 to 111.85-5	Deleted.
111.85-10	111.105-29 to 111.105-32.
111.85-90	110.01-1.
111.90-1 to 111.90-25	110.01-1.
112.01-1	Deleted.
112.05-1 to 112.05-5	Same.
112.05-10	112.43-1 to 112.43-15.
112.05-15	Deleted.
112.10-1 to 112.10-20	112.01-1 to 112.01-20.
112.15-1 to 112.15-10	Same.
112.15-15	112.01-5.
112.20-1 to 112.20-15	Same.
112.25-1 to 112.25-10	Same.
112.30-1 to 112.30-10	Same.
112.35-1 to 112.35-5	112.35-1 to 112.35-7.
112.40-1	112.40-1.
112.45-1 to 112.45-5	112.45-1 to 112.45-5.
112.50-1	112.50-1 to 112.50-7.
112.51-1	112.50-1 to 112.50-7.
112.55-1	111.15-2.
112.55-5 to 112.55-15	Same.
112.90-1 to 112.90-10	110.01-1(c).
113.01-1 to 113.05-1	Deleted.
113.05-5	Same.
113.05-10	111.60-11.
113.10-1	Deleted.
113.10-5(a)	113.10-1.
113.10-5(b)	111.60-1.
113.10-5(c)-(e)	113.10-3 to 113.10-7.
113.10-5(f)	111.01-9.
113.10-90	110.1-1(c)
113.15-1	Deleted.
113.15-5(a)	113.10-1.
113.15-5(b)	111.60-1.
113.15-5(c)-(e)	113.10-3 to 113.10-7.
113.15-5(f)	111.01-9.
113.15-90	110.01-1(c).
113.20-1	Deleted.
113.20-5 (a) and (b)	113.20-1.
113.20-5(c)	111.60-1.
113.20-5(d)	113.20-3.
113.20-90	110.01-1(c).
113.25-1	Same.
113.25-5	Same.
113.25-10(a) (1) to (3)	113.25-6.
113.25-10(a) (4) to (5)	113.25-7.
113.25-10(b)	113.25-8.
113.25-10(c)	113.25-9.
113.25-10(d)	113.25-10.
113.25-15(a)	113.25-6(f).
113.25-15(b)	113.25-11.
113.25-15(c) (1) and (2)	113.25-12.
113.25-15(c)(3)	Deleted.
113.25-15(d)(1)	111.60-1.
113.25-15(d)(2)	113.25-14.
113.25-15(d)(3)	113.25-15.
113.25-15(d) (4) and (5)	113.25-16.

DERIVATIVE REFERENCE TABLE—Continued

Old section No.	New section No.
113.25-20 to 113.25-30	Same.
113.25-90	110.01-1(c).
113.30-1 to 113.30-10	Same.
113.30-15	113.30-10.
113.30-20 to 113.30-25	Same.
113.30-90	110.01-1(c).
113.35-1 to 113.35-5	113.35-3.
113.35-10 to 113.35-15	Deleted.
113.35-20 to 113.35-35	113.35-9 to 113.35-15.
113.35-40 to 113.35-50	113.35-5 to 113.35-7 and 113.35-19.
113.35-55 to 113.35-90	110.01-1(c).
113.40-1 to 113.40-10	Same.
113.40-90	110.01-1(c).
113.45-1	Deleted.
113.45-5	Same.
113.45-90	110.01-1(c).
113.50-1 to 113.50-5	Same.
113.50-10	112.15-1(j).
113.50-15 to 113.50-20	Same.
113.50-25(a)	111.60-1.
113.50-25(b)	113.50-25.
113.50-30	Deleted.
113.50-35	78.15-1 and 78.17-10.
113.50-90	110.01-1(c).
113.65-1	Deleted.
113.65-5	Same.
113.65-90	110.01-1(c).
113.70-1	Deleted.
113.70-5(a)	Same.
113.70-5(b)	111.60-1.
113.70-5(c)	113.70-5(b).
113.70-10	112.15-1(n).
113.70-90	110.01-1(c).

Evaluation

These regulations have been evaluated in accordance with the DOT "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (DOT Order 2100.5 of 5–22–80) and E.O. 12291. A copy of the Final Evaluation may be obtained from the Commandant (G–CMC/24), U.S. Coast Guard, Washington, D.C. 20593, (202) 426–1477.

As discussed in the Final Evaluation, most of the changes to the Electrical Engineering Regulations are either editorial or they update technical specifications to reflect the latest practices. There are some changes that will require different construction. Although some of these changes will cause minor cost increases for shipbuilders, others will result in substantial savings. Many of the changes in the rules that would cause cost increases are already current marine industry practice. The remaining changes causing cost increases are more than offset by the cost savings offered by several relaxations in the regulations. These regulations are not retroactive and apply only to new construction.

Overall, it is anticipated that there will be a net cost reduction offered for vessels constructed under these rules, but the exact impact is difficult to determine accurately since it may vary from vessel to vessel. For the purpose of illustration, a typical medium sized tanker of 40,000 gross tons will be used.

For this vessel, cost increases due to improved steering gear requirements, a steering failure alarm, communications to local control stations (if automated), and several other new requirements will amount to approximately $10,000. On the other hand, due to cost decreases that may result from the relaxation of the requirements for armor on cable, allowance of the use of NEC motors, and reduced number of circuit breakers in panelboards it may be possible to save about $150,000 on this vessel. On a vessel of less than 1600 gross tons the increased cost is only about $5,000, whereas the savings can be about $50,000. On vessels larger than 40,000 gross tons, the overall savings can be up to $250,000. These savings are expressed using figures that represent the estimated upper extent of the possible savings. Actual savings will depend upon the industry practices followed in each shipyard before and after the effective date of these regulations. Based on the average number and size and typical types of vessels certificated by the Coast Guard per year, the net annual savings offered to the United States shipbuilding industry has been estimated as $10,000,000 when these regulations are compared to former regulations.

In addition to the savings in material costs, there are several intangible benefits. Due to the increased reference to the National Electrical Code, Underwriters Laboratories Inc., and other national standards, certain equipment items will now be more readily available "off the shelf" without special marine requirements. The fact that the regulations have been updated and obsolete requirements have been removed or amended will relieve the burden on the public created by misleading and old regulations. Also, the volume of the regulations has been reduced by fifty percent making them less cumbersome to the users.

For the above reasons, under the provisions of Executive Order 12291 these regulations have been determined not to be a major rule. In addition, they are considered to be nonsignificant in accordance with guidelines set out in the "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (DOT Order 2100.5 of 5-22-80). Therefore, a Regulatory Impact Analysis has not been conducted.

Although the Regulatory Flexibility Act (94 Stat. 1164) does not apply, since the notice of proposed rulemaking was issued prior to 1 January 1981, the rule has been reviewed and it is the Coast Guard's opinion that a cost savings will be experienced by small entities when this rule is compared to former regulations. Whenever possible, requirements have been tailored to the size of the vessel and in some cases a relaxation of requirements for smaller vessels has been offered. Small entities will more likely be involved in the building or ownership of smaller vessels than with larger vessels. Therefore, savings related to smaller vessels will in general be passed on to small entities.

List of Subjects in 46 CFR Parts 110, 111, 112, and 113

Administrative Practice and Procedure, Electric Power, Marine Safety, Vessels.

In consideration of the foregoing, Chapter I of Title 46, Code of Federal Regulations is amended as follows:

PART 31—INSPECTION AND CERTIFICATION

§ 31.10-5 [Amended]

1. By removing in the last sentence in § 31.10-5(a) the words "§ 111.05-5 of."

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

§ 32.15-5 [Amended]

2. By removing in the last sentence in § 32.15-5(b) the words "of Subparts 113.05 and 113.65."

§§ 32.15-20 and 32.15-25 [Amended]

3. By removing §§ 32.15-20(b) and 32.15-25(b).

4. By revising Subpart 32.25 to read as follows:

Subpart 32.25—General Alarm Systems

§ 32.25-1 General alarm systems for tankships and manned tank barges.

A general alarm system must be installed on tankships and manned tank barges which meets the requirements in Subchapter J (Electrical Engineering Regulations) of this chapter.

§§ 32.25-5 and 32.25-10 [Removed and Reserved]

5. By removing and reserving §§ 32.25-5 and 32.25-10.

6. By revising §§ 32.30-1 and 32.30-5 to read as follows:

§ 32.30-1 Voice tubes or telephone equipment—T/A11.

Each tankships must have communication equipment which meets the requirements in Subchapter J (Electrical Engineering Regulations) of this chapter.

§ 32.30-5 Engine order telegraph equipment—T/A11.

Each tankship must have an engine order telegraph system which meets the requirements in Subchapter J (Electrical Engineering Regulations) of this chapter.

§ 32.30-10 [Removed]

7. By removing § 32.30-10.

§ 32.40-1 [Amended]

8. By removing in the last sentence in § 32.40-1(d)(4) the words "of § 111.50-15 and Subpart 111.60."

9. By revising § 32.45-1 to read as follows:

§ 32.45-1 Installation and details.

The installation of all electrical engineering or interior communications systems, together with the details of design, construction, and installation, must meet the requirements of Subchapter J (Electrical Engineering Regulations) of this chapter.

§§ 32.45-5 and 32.45-10 [Removed and Reserved]

10. By removing and reserving §§ 32.45-5 and 32.45-10.

11. By revising § 32.56-25(a) to read as follows:

§ 32.56-25 Category A machinery spaces: Windows and portlights—T/A11.

(a) Except as provided in paragraph (b) of this section and Subpart 111.105, of this chapter, boundaries of Category A machinery spaces and boundaries of cargo pumprooms must not be pierced for windows or portlights.

* * * * *

PART 33—LIFESAVING EQUIPMENT

§ 33.20-1 [Amended]

12. By revising the last sentence in § 33.20-1(c)(3) to read as follows:

* * * * *

(c) * * *

(3) * * * For detailed requirements of such illumination refer to Subchapter J (Electrical Engineering Regulations) of this chapter.

* * * * *

§ 33.50-1 [Amended]

13. By removing in the second sentence of § 33.50-1 the words "§ 111.75-15(h) of."

PART 35—OPERATIONS

14. By revising § 35.30-30 to read as follows:

§ 35.30-30 Portable electric equipment—TB/A11.

Portable electric equipment must not be used in a hazardous location

described in Subpart 111.105 of this chapter except—

(a) Self-contained, battery-fed, explosion-proof lamps approved by Underwriters Laboratories Inc., Factory Mutual Research Corporation, or other independent laboratory recognized by the Commandant, for use in a Class I, Division 1 location for the electrical group classification of the cargo;

(b) Intrinsically safe equipment approved by Underwriters Laboratories Inc., Factory Mutual Research Corporation, or other independent laboratory recognized by the Commandant, for use in a Class I, Division 1 location for the electrical group classification of the cargo; and

(c) Any electrical equipment, if—

(1) The hazardous location is—

(i) Enclosed; and

(ii) Gas free;

(2) The adjacent compartments are—

(i) Gas free;

(ii) Inerted;

(iii) Filled with water;

(iv) Filled with Grade E liquid; or

(v) Spaces where flammable gases are not expected to accumulate; and—

(3) Each compartment where flammable gas is expected to accumulate is—

(i) Closed; and

(ii) Secured.

15. By revising §§ 35.40–1, 35.40–5, and 35.40–6 to read as follows:

§ 35.40–1 General alarm contact maker—TB/A11.

Each general alarm contact maker must be marked in accordance with requirements in Subchapter J (Electrical Engineering Regulations) of this chapter.

§ 35.40–5 General alarm bells—TB/A11.

General alarm bells must be marked in accordance with requirements in Subchapter J (Electrical Engineering Regulations) of this chapter.

§ 35.40–6 Emergency lights—TB/A11.

Emergency lights must be marked in accordance with requirements in Subchapter J (Electrical Engineering Regulations) of this chapter.

PART 37—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR NUCLEAR VESSELS

§ 37.05–1 [Amended]

16. By removing and reserving § 37.05–1(b).

PART 38—LIQUEFIED FLAMMABLE GASES

17. By revising paragraphs (a)(7) and (a)(8) in § 38.01–2 to read as follows:

§ 38.01–2 Transportation of portable cylinders or portable tanks containing or having previously contained liquefied flammable gases in dry cargo spaces—TB/A11.

(a) * * *

(7) Electrical circuits in the cargo spaces must meet the hazardous area requirements in Subchapter J (Electrical Engineering Regulations) of this chapter. If an electrical circuit does not meet those requirements, it must be deenergized by a positive means and not reenergized until the cargo has been removed and the space has been tested and found free of flammable vapor.

(8) During the stowage of portable cylinders or portable tanks in a hold or compartment that is not fitted with electrical fixtures meeting the hazardous area requirements of Subchapter J (Electrical Engineering Regulations) of this chapter, portable lights must not be used within the space unless the portable lights are explosion-proof. Electrical connections for portable lights must be made from outlets on the weather deck. Hand flashlights used in the stowage area must be explosion-proof.

* * * * *

PART 63—CONTROL SYSTEMS FOR AUTOMATIC AUXILIARY HEATING EQUIPMENT

18. By revising § 63.05–85(b) to read as follows:

§ 63.05–85 Wiring of electrical components.

* * * * *

(b) Electrical cable must be of the type specified by Subchapter J (Electrical Engineering Regulations) of this chapter for damp or wet locations, National Electrical Code moisture resistant type, or other type accepted by the Commandant. Cable must be rated for the maximum temperature that will be encountered after installation.

* * * * *

19. By revising § 63.10–85(b) to read as follows:

§ 63.10–85 Wiring of electrical components.

* * * * *

(b) Electric cable must be of the type specified by Subchapter J (Electrical Engineering Regulations) of this chapter for damp or wet locations, National Electrical Code moisture resistant type, or other type accepted by the Commandant. Cable must be rated for the maximum temperature that will be encountered after installation.

* * * * *

PART 71—INSPECTION AND CERTIFICATION

§ 71.25–30 [Removed and Reserved]

20. By removing and reserving § 71.25–30.

PART 75—LIFESAVING EQUIPMENT

§ 75.30–15 [Amended]

21. By removing in the last sentence of § 75.30–15(a) the words "of § 111.80–55."

§ 75.50–10 [Amended]

22. By revising the last sentence in § 75.50–10 to read as follows:

* * * For detailed requirements of the illumination, see Subchapter J (Electrical Engineering Regulations) of this chapter.

§ 75.50–15 [Amended]

22. By revising the last sentence in § 75.50–15 to read as follows:

* * * For detailed requirements of the illumination, see Subchapter J (Electrical Engineering Regulations) of this chapter.

PART 76—FIRE PROTECTION EQUIPMENT

23. By revising § 76.25–35(i) to read as follows:

§ 76.25–35 Operation and installation.

* * * * *

(i) All piping, valves, fittings, pressure tanks, etc., must meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

* * * * *

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

§ 77.05–1 [Amended]

25. By removing in § 77.05–1(b) the words "§ 111.80–25 of."

PART 78—OPERATIONS

26. By adding a new Subpart 78.16 to read as follows:

Subpart 78.16—Emergency Loudspeaker Systems

§ 78.16–1 Operation.

The emergency loudspeaker system must—

(a) Be used only at the discretion of the master;

(b) Function entirely independently of any public address or music distribution system; and

(c) Not be used for entertainment purposes.

§ 78.17–10 [Amended]

27. By removing in the cross reference of § 78.17–10 the words "§ 113.50–35 of."

28. By revising the section heading and text of § 78.47–5 to read as follows:

§ 78.47–5 General alarm contact makers.

Each general alarm contact maker must be marked in accordance with the requirements in Subchapter J (Electrical Engineering Regulations) of this chapter.

29. By revising § 78.47–40(a) to read as follows:

§ 78.47–40 Exit signs.

(a) Illuminated exit signs are required and must be installed in accordance with Subchapter J (Electrical Engineering Regulations) of this chapter.

* * * * *

§ 78.47–40 [Amended]

30. By removing in the cross reference of § 78.47–40(b) the words "§ 111.75–15(d) of."

PART 79—SPECIAL CONSTRUCTION, ARRANGEMENTS, AND OTHER PROVISIONS FOR NUCLEAR VESSELS

§ 79.05–1 [Amended]

31. By removing and reserving § 79.05–1(b).

PART 92—CONSTRUCTION AND ARRANGEMENT

§ 92.20–45 [Amended]

32. By removing and reserving § 92.20–45(b).

PART 94—LIFESAVING EQUIPMENT

§ 94.30–15 [Amended]

33. By removing in the last sentence in § 94.30–15(a) the words "of Subpart 111.65."

§ 94.50–10 [Amended]

34. By revising the last sentence in § 94.50–10 to read as follows:

* * * For detailed requirements of the illumination, see Subchapter J (Electrical Engineering Regulations) of this chapter.

§ 94.50–15 [Amended]

35. By revising the last sentence in § 94.50–15 to read as follows:

* * * For detailed requirements of the illumination, see Subchapter J (Electrical Engineering Regulations) of this chapter.

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

§ 96.05–1 [Amended]

36. By removing in § 96.05–1(b) the words "§ 111.65–10 of."

PART 97—OPERATIONS

37. By revising the section heading and text of § 97.37–5 to read as follows:

§ 97.37–5 General alarm bell contact maker.

Each general alarm contact maker must be marked in accordance with requirements in Subchapter J (Electrical Engineering Regulations) of this chapter.

PART 99—SPECIAL CONSTRUCTION, ARRANGEMENTS, AND OTHER PROVISIONS FOR NUCLEAR VESSELS

§ 99.05–1 [Amended]

38. By removing and reserving § 99.05–1(b).

39. By revising the entire Subchapter J to read as follows:

SUBCHAPTER J—ELECTRICAL ENGINEERING

PART 110—GENERAL PROVISIONS

Subpart 110.01—Applicability

Sec.

110.01–1 General.
110.01–3 Repairs.

Subpart 110.10—Reference Specifications, Standards, and Codes

110.10–1 General.

Subpart 110.15—Terms Used in This Subchapter

110.15–1 Definitions.

Subpart 110.20—Equivalents

110.20–1 Conditions under which equivalents may be used.

Subpart 110.25—Plan Submittal

110.25–1 Plans and information required for new construction.
110.25–3 Procedure for submitting plans.

Subpart 110.30—Testing and Inspection

110.30–1 General.
110.30–3 Initial inspection.
110.30–5 Inspection for certification.
110.30–7 Repairs or alterations.

Authority: 46 U.S.C. 170, 367, 369, 375, 390b, 391a, 392, 405, 416, 445, 489, 526p; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 110.01—Applicability

§ 110.01–1 General.

(a) This subchapter applies to electric equipment and systems where Subchapters D, H, I, IA, O, T, or U of this chapter require the installations to be in accordance with this subchapter.

(b) This subchapter applies to vessels and installations contracted for after May 31, 1982.

(c) Installations and equipment accepted by the Coast Guard as meeting the applicable requirements in this subchapter in effect on the date the installation was contracted for and which are maintained in good and serviceable condition to the satisfaction of the Officer in Charge, Marine Inspection, may be continued in use until replacement is ordered by the Officer in Charge, Marine Inspection, or as specified in the regulations.

(d) Requirements in this subchapter revised or added subsequent to May 31, 1982 will apply to installations contracted for after the effective date of such requirements or as specified in the regulation.

(e) Electrical systems internal to a pressure vessel for human occupancy (PVHO) need not meet the requirements of this subchapter, but must meet the requirements of Subpart B (Commercial Diving Operations) of Part 197 of this Chapter.

§ 110.01–3 Repairs.

(a) Repairs must be done in accordance with the regulations in effect on the date—

(1) The original installation was contracted for; or

(2) The repair was contracted for.

Subpart 110.10—Reference Specifications, Standards, and Codes

§ 110.10–1 Incorporation by reference.

(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register. The Office of the Federal Register publishes a table, "Material Approved for Incorporation by Reference," which appears in the Finding Aids section of this volume. In that table is found the date of the edition approved, citations to the particular sections of this part where the material is incorporated, addresses where the material is available, and the date of the approval by the Director of the Federal Register. To enforce any edition other than the one listed in the table, notice of the change must be published in the **Federal Register** and the material made available. All approved material is on file at the Office of the Federal Register, Washington, DC 20408 and at the Office of Merchant Marine Safety (G–MMT–2/12), Room 1214, U.S. Coast Guard Headquarters Building, 2100 Second Street SW., Washington, D.C. 20593.

(b) The materials approved for incorporation by reference in this Subchapter are:

(1) Rules for Building and Classing Steel Vessels, issued by the American Bureau of Shipping.

(2) The following publications issued by the National Fire Protection Association:

(i) The National Electrical Code (NFPA 70).

(ii) Standard for the Use of Inhalation Anesthetics (NFPA 56A).

(iii) Standard for Purged and Pressurized Enclosures for Electrical Equipment in Hazardous Locations (NFPA 496).

(iv) Recommended Practice for Static Electricity (NFPA 77).

(3) The following publications issued by the National Electrical Manufacturers Association:

(i) IPCEA–NEMA Standards Publication Rubber-insulated Wire and Cable for the Transmission and Distribution of Electrical Energy (NEMA WC 3).

(ii) IPCEA–NEMA Standards Publication Ethylene-Propylene-Rubber-Insulated Wire and Cable for the Transmission and Distribution of Electrical Energy (NEMA WC 8).

(4) The following publications issued by the Institute of Electrical and Electronics Engineers, Inc.:

(i) Low-Voltage AC Power Circuit Breakers Used in Enclosures (ANSI/IEEE Standard No. C37.13).

(ii) Switchgear Assemblies Including Metal-Enclosed Bus (IEEE Standard No. 27, ANSI C37.20).

(iii) Recommended Practice for Electric Installations on Shipboard (IEEE Standard No. 45).

(iv) Application Guide for AC High-Voltage Circuit Breakers Rated on a Symmetrical Current Basis (IEEE Standard No. 320, ANSI C37.010).

(v) Low-Voltage AC Non-Integrally Fused Power Circuit Breakers (Using Separately Mounted Current-Limiting Fuses) (IEEE Standard No. 331, ANSI C37.27).

(vi) Low-Voltage AC Integrally Fused Power Circuit Breakers (IEEE Standard No. 538, ANSI C37.13a).

(5) The following standards issued by Underwriters Laboratories Inc.:

(i) Standard for General Use Snap Switches (UL 20).

(ii) Standard for Rubber-Insulated Wires and Cables (UL 44).

(iii) Standard for Electrical Cabinets and Boxes (UL 50).

(iv) Standard for Flexible Cord and Fixture Wire (UL 62).

(v) Standard for Panelboards (UL 67).

(vi) Standard for Motor Operated Appliances (UL 73).

(vii) Standard for Thermoplastic-Insulated Wires (UL 83).

(viii) Standard for Enclosed Switches (UL 98).

(ix) Standard for Elevator Door Locking Devices and Contacts (UL 104).

(x) Standard for Commercial Electric Cooking Appliances (UL 197).

(xi) Standard for Household Refrigerators and Freezers (UL 250).

(xii) Standard for High-Voltage Industrial Control Equipment (UL 347).

(xiii) Standard for Knife Switches (UL 375).

(xiv) Standard for Drinking Water Coolers (UL 399).

(xv) Standard for Commercial Refrigerators and Freezers (UL 471).

(xvi) Standard for Electric Wire Connectors and Soldering Lugs for Use with Copper Conductors (UL 486A).

(xvii) Standard for Molded Case Circuit Breakers and Circuit Breaker Enclosures (UL 489).

(xviii) Standard for Electrical Attachment Plugs and Receptacles (UL 498).

(xix) Standard for Electric Industrial Control Equipment (UL 508).

(xx) Standard for Electrical Outlet Boxes and Fittings (UL 514).

(xxi) Standard for Marine Type Electric Lighting Fixtures (UL 595).

(xxii) Standard for Household Electric Dishwashers (UL 749).

(xxiii) Standard for Electric Motor Control Centers (UL 845).

(xxiv) Standard for Busways and Associated Fittings (UL 857).

(xxv) Standard for Commercial Electric Dishwashers (UL 921).

(xxvi) Standard for Emergency Lighting Equipment (UL 924).

(xxvii) Standard for Electric Air Heaters (UL 1025).

(xxviii) Standard for Electric Baseboard Heating Equipment (UL 1042).

(xxix) Standard for Electric Central Air Heating Equipment (UL 1096).

(xxx) Standard for Marine Navigation Lights (UL 1104).

(xxxi) Standard for Electric Battery Chargers (UL 1236).

(6) The following specifications and guides issued by the Naval Sea Systems Command:

(i) Military Specification, Wire, Electrical (Insulated, High Temperature) (MIL–W–16878D).

(ii) Military Specification, Wire and Cable, Hook-up, Electrical, Insulated (MIL–W–76B).

(iii) Military Specification, Cable and Cord Electrical, for Shipboard Use (MIL–C–915E).

(iv) Electrical Cable, Ratings and Characteristics (NAVSEA Design Data Sheet DDS 304–2).

(v) A.C. Fault Current Calculations (NAVSEA Design Data Sheet DDS 9620–3).

(vi) Military Specification, Matting or Sheet, Floor Covering, Insulating for High Voltage Application (MIL–M–15562F).

(7) American National Standard Safety Code For Elevators, Dumbwaiters, Escalators, and Moving Walks (ANSI A17.1) (issued by the American Society of Mechanical Engineers).

(8) The following publications issued by the American National Standard Institute Inc. (ANSI):

(i) Low-Voltage DC Power Circuit Breakers Used in Enclosures (ANSI C37.14).

(ii) Rating Structure for AC High-Voltage Circuit Breakers Rated on a Symmetrical Current Basis (ANSI C37.04).

(iii) AC High-Voltage Circuit Breakers Rated on a Symmetrical Current Basis and a Total Current Basis (ANSI C37.12).

(9) The following publications issued by the American Society for Testing and Materials:

(i) Standard Methods of Salt Spray (Fog) Testing (ASTM B 117).

(ii) Standard Specification for Nylon Injection Molding and Extrusion Materials (ASTM D 789).

(10) Installation of Intrinsically Safe Instrument Systems in Class I Hazardous Locations (ISA RP 12.6) issued by the Instrument Society of America.

(c) The words "should" or "shall," when used in a reference, are to be considered the same as the word "must" in describing Coast Guard requirements.

Subpart 110.15—Terms Used in This Subchapter

§ 110.15–1 Definitions.

For the purpose of this subchapter.

(a) Electrical and electronic terms are used as defined in the "Dictionary of Electrical & Electronics Terms" (IEEE Standard No. 100), issued by the Institute of Electrical and Electronics Engineers.

(b) In addition to the definitions in paragraph (a) of this section:

(1) "Boat deck" means a deck on which lifeboats are stowed.

(2) "Coastwise Vessel" means a vessel that normally navigates the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore and is certificated for coastwise navigation by the U.S. Coast Guard.

(3) "Commandant" means the Commandant of the U.S. Coast Guard (see § 1.01 of this chapter for delegation of authority).

(4) "Corrosion-resistant finish" means one of the following treatments:

(i) Electroplated by cadmium, chromium, nickel, silver, or zinc.

(ii) Sherardized.

(iii) Galvanized.

(iv) An enameled finish over a zinc chromate primer that is over a surface that has been cleaned and degreased.

(v) A finish that when tested in accordance with the American Society for Testing and Materials Standard Method of Salt Spray (Fog) Testing (B 117) for 200 hours does not show pitting, cracking, or other deterioration more severe than that resulting from a similar test on passivated AISI Type 304 stainless steel.

(5) "Corrosion-resistant material" and "noncorrodible material" means one of the following materials:

(i) Silver.

(ii) Corrosion-resistant steel.

(iii) Copper.

(iv) Brass.

(v) Bronze.

(vi) Copper-nickel.

(vii) Corrosion-resistant nickel alloys.

(viii) Aluminum alloys with a copper content of 0.4 percent or less.

(ix) Plastics.

(x) A material that when tested in accordance with the American Society for Testing and Materials Standard Method of Salt Spray (Fog) Testing (B 117) for 200 hours does not show pitting, cracking, of other deterioration more severe than that resulting from a similar test on passivated AISI type 304 stainless steel.

(6) "Corrosive location" means a location exposed to the weather on vessels operating in salt water.

(7) "Damp or wet location" means—

(i) A location exposed to the weather;

(ii) A machinery space;

(iii) A cargo space;

(iv) A location within a galley, a laundry, or a public washroom or toilet room that has a bath or shower normally exposed to splashing, water washdown, or other wet conditions;

(v) An area directly inside of an acess door to a weather deck if the access door is not protected against entrance of rain or spray by an overhanging deck or by other means; or

(vi) Other spaces with similar moisture levels.

(8) "Deadship condition" means a situation in which the main propulsion plant, boiler, and ship's service generating plant are not in operation due to the absence of power.

(9) "Dripproof" means enclosed equipment so constructed or protected that falling drops or liquid or solid particles striking the enclosure at any angle from 0 to 15 degrees downward from the vertical do not interfere with the operation of the equipment.

Note.—A NEMA Type 1 enclosure with dripshield, a NEMA Type 2 enclosure, or a NEMA Type 12 enclosure meets this definition.

(10) "Dry location" means—

(i) An accommodation space;

(ii) A pantry;

(iii) A passageway adjacent to quarters;

(iv) A location within a galley, a laundry, or a public washroom or toilet that has a bath or shower not exposed to splashing, water washdown, or other wet conditions.

(v) A public washroom or toilet room that does not have a bath or shower;

(vi) A radio room;

(vii) A gyro room;

(viii) A chart room; or

(ix) Other spaces with similar moisture levels.

(11) "Embarkation deck" means a deck from which persons embark into lifeboats or are assembled before embarking into lifeboats.

(12) "Emergency squad" means the crew designated on the station bill as the nucleus of a damage control party.

(13) "Flashpoint" means the temperature at which a liquid gives off a flammable vapor when heated in a closed-cup tester.

(14) "Great Lakes vessel" means a vessel that navigates exclusively on the Great Lakes.

(15) "Marine inspector" and "inspector" mean any person from the civilian or military branch of the Coast Guard assigned under an Officer in Charge, Marine Inspection, or any other person who is designated for the duties of inspection, enforcement, and administration of Title 52 of the Revised Statutes as amended and rules and regulations promulgated under its authority.

(16) "Nonsparking fan" means a fan that cannot produce sparks that ignite a flammable mixture and has—

(i) Blades or housing of nonmetallic construction;

(ii) Blades and housing of nonferrous material;

(iii) Blades and housing of corrosion-resistant steel;

(iv) Ferrous blades and housing with one-half inch or more design tip clearance; or

(v) Blades of aluminum or magnesium alloy and a ferrous housing with a nonferrous insert ring at the periphery of the impeller.

Note.—Any combination of an aluminum alloy or a magnesium alloy component and a ferrous component is considered by the Coast Guard to be a sparking hazard regardless of the material that is used as the fixed or rotating component.

(17) "Ocean vessel" means a vessel that navigates the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore and is certificated for ocean navigation by the U.S. Coast Guard.

(18) "Qualified person" means a person who by his special knowledge, ability, and experience can competently and safely perform required functions and duties.

(19) "Waterproof machine" means a totally enclosed machine so constructed that a stream of water from a hose with a nozzle one inch in diameter that delivers at least 65 gallons per minute can be played on the machine from any direction from a distance of about 10 feet for a period of not less than 5 minutes without leakage; except leakage that occurs around the shaft may be considered permissible, provided it is prevented from entering the oil reservoir and provision is made for automatically draining the machine.

(20) "Watertight" means enclosed so that equipment does not leak when a stream of water from a hose with a nozzle one inch in diameter that delivers at least 65 gallons per minute is played on the enclosure from any direction from a distance of 10 feet for 5 minutes.

Note.—NEMA Type 4 and 4X meet this definition.

Subpart 110.20—Equivalents

§ 110.20-1 Conditions under which equivalents may be used.

The Commandant (G-MMT) may accept a fitting, material, apparatus, equipment, or arrangement in substitution for a fitting, material, apparatus, equipment, or arrangement required by this subchapter if the substituted item is at least as effective as the one required and provides the degree of safety consistent with the requirements of this subchapter.

Subpart 110.25—Plan Submittal

§ 110.25-1 Plans and information required for new construction.

The following plans, if applicable to the particular vessel, must be submitted for Coast Guard review in accordance with § 110.25-3:

Note.—A Navigation and Vessel Inspection Circular on the Subject of "Coast Guard Review of Merchant Vessel Plans and Specifications" is available from the offices listed in § 110.25-3. The Circular recommends practices and procedures for plan submittals.

(a) Elementary one-line wiring diagram of the power system, supported, by cable lists, panelboard summaries, and other information including—

(1) Type and size of generators and prime movers;

(2) Type and size of generator cables, bus-tie cables, feeders, and branch circuit cables;

(3) Power, lighting, and interior communication panelboards with number of circuits and rating of energy consuming devices;

(4) Type and capacity of storage batteries;

(5) Rating of circuit breakers and switches, interrupting capacity of circuit breakers, and rating or setting of overcurrent devices;

(6) Computations of short circuit currents in accordance with Subpart 111.52; and

(7) Overcurrent protective device coordination analysis for each generator distribution system of 1500 kilowatts or above that includes selectivity and shows that each overcurrent device has an interrupting capacity sufficient to interrupt the maximum asymmetrical short-circuit current available at the point of application.

(b) Electrical plant load analysis including connected loads and computed operating loads for each condition of operation.

(c) Elementary and isometric or deck wiring plans, including symbol lists, and manufacturer's name and identification of each item of electric equipment, of each—

(1) Steering gear circuit and steering motor controller;

(2) General alarm system;

(3) Sound powered telephone system;

(4) Power operated boat winch;

(5) Fire detecting and alarm system;

(6) Smoke detecting system;

(7) Electric watertight door system;

(8) Fire screen door holding system;

(9) Emergency loudspeaker system;

(10) Manual alarm system; and

(11) Supervised patrol system.

Each isometric or deck wiring plan must show the location of any cable splice.

(d) Deck wiring or schematic plans of power systems and lighting systems, including symbol lists, with manufacturer's name and identification of each item of electric equipment, and showing—

(1) Locations of cables;

(2) Cable sizes and types;

(3) Locations of each item of electric equipment;

(4) Locations of cable splices.

(e) Switchboard wiring diagram.

(f) Switchboard material and nameplate list.

(g) Elementary wiring diagram of metering and automatic switchgear.

(h) Description of operation of propulsion control and bus transfer switchgear.

(i) Schematic or logic diagrams for automated or centrally controlled propulsion or auxiliary machinery including a written description of operation, giving sequence of events.

(j) The operating maintenance and instruction manuals for automated or centrally controlled propulsion or auxiliary machinery systems that include operational test procedures for verifying the operation of the required safety devices and systems.

(k) For vessels with hazardous locations as defined in Subpart 111.105 of this chapter, plans showing the extent and classification of all hazardous locations. Information including manufacturer's name, model indentification, and equipment location must be submitted for all electrical equipment in these hazardous locations.

(l) Plans and installation instructions for each intrinsically safe system approved by Underwriters Laboratories Inc., Factory Mutual Research Corporation, or other independent laboratory recognized by the Commandant (see § 111.105–11).

(m) Motor starter elementary wiring diagram, enclosure drawing, and starter application.

(n) Plans and information sufficient to evaluate equipment required by this subchapter to be approved or accepted by the Commandant.

Note.—This equipment includes soundpowered telephones, navigation lights, submerged cargo pump motors, and equipment to be considered for equivalency under § 110.20–1 of this part.

(o) Plans and information sufficient to evaluate equipment or systems required to meet the specifications of this Subchapter but not to be approved by the Commandant.

Note.—This equipment evaluation is generally done by District Merchant Marine Technical Offices and includes cable splices, signaling lights, shore connection boxes, electric oil immersion heaters, submersible motor-driven bilge pumps, engine order telegraph systems, shaft speed and thrust indicator systems, rudder angle indicators, and steering failure alarm systems.

(p) Plans and information sufficient to evaluate equipment required by this subchapter to meet a reference standard or military specification.

Note.—This equipment evaluation is generally done by District Merchant Marine Technical Offices and includes circuit breakers, switches, lighting fixtures, electric cooking equipment, motor operated appliances, dishwashers, refrigerators, water coolers, air heating equipment, busways, and outlets and junction boxes. Items that are required to meet a UL standard will be considered acceptable based on indication of listing or labeling on a material list or plan. Items required by this subchapter to meet an IEEE, NEMA, or ANSI standard, or a military specification will be considered acceptable if manufacturer's certification of compliance is indicated on a material list or plan.

§ 110.25–3 Procedure for submitting plans.

(a) The plans required by § 110.25–1 must be submitted to one of the following Coast Guard offices:

(1) A field technical office.

(2) The Officer in Charge, Marine Inspection at or nearest the place where the vessel is to be built.

(3) Commandant (G–MMT), U.S. Coast Guard, 2100 Second Street, S.W., Washington, D.C. 20593.

(b) The addresses of the field technical offices are as follows:

(1) Commander, 3rd Coast Guard District (mmt), Governor's Island, New York, NY 10004, for the 1st, 3rd, and 5th Coast Guard Districts.

(2) Commander, 8th Coast Guard District (mmt), Room 1130, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130, for the 2nd, 7th, and 8th Coast Guard Districts.

(3) Commander, 9th Coast Guard District (mmt), Room 455, 601 Rockwell Street, Cleveland, OH 44114, for the 9th Coast Guard District.

(4) Commander, 12th Coast Guard District (mmt), 630 Sansome Street, San Francisco, CA 94126, for the 11th, 12th, 13th, 14th, and 17th Coast Guard Districts.

(b) Three copies of each plan are required so that one can be returned to the submitter. If the submitter desires additional copies of approved plans, he should submit enough for the necessary distribution.

Note.—The Coast Guard and the American Bureau of Shipping (ABS) coordinate plan review for vessels classed by the ABS in order to eliminate duplication of effort. An applicant for plan review of a vessel that is classed by the ABS should consult a Coast Guard Technical Office to determine applicable procedures for submitting plans.

Subpart 110.30—Testing and Inspection

§ 110.30–1 General.

(a) The general requirements for inspection of vessels are in Parts 31, 71, 91, 107, 151, and 188 of this chapter. This section supplements the general requirements in other parts of this chapter.

(b) In the inspection of electric equipment and installations, the rules of the American Bureau of Shipping for materials and construction, and the certificate of classification that refers to them, except as otherwise provided by this subchapter, are accepted as standard.

(c) This subpart must not be construed to imply that shop tests or factory inspections of electric apparatus or equipment of the types conducted by the

American Bureau of Shipping are conducted by the Coast Guard. Shop tests of electric apparatus or equipment are conducted by the Coast Guard only when required by this chapter or when requested, either by the manufacturer, shipbuilder, owner, or the Coast Guard, and agreed to by all.

§ 110.30-3 Initial inspection.

The initial inspection, which may be a series of inspections during the construction of the vessel, includes a complete inspection of the electric installation and electric equipment or apparatus. The inspection is to determine that the arrangement, materials, and their installations meet this chapter and the approved plans. The inspection also is to determine that the workmanship of all equipment and apparatus and the installation is satisfactory.

§ 110.30-5 Inspection for certification.

The inspection of electric installations at the annual or biennial inspection incident to reissuance of a Certificate of Inspection includes an inspection of the electric installation and electric equipment to determine mechanical and electrical condition and performance. Particular note must be made of circuits added or modified after the initial inspection.

§ 110.30-7 Repairs or alterations.

(a) No extensive repairs or alterations affecting the safety of the vessel may be made without the knowledge of the Officer in Charge, Marine Inspection.

(b) Drawings of alterations must be approved before work is started unless considered unnecessary by the Officer in Charge, Marine Inspection. Drawings are not required for repairs involving no alterations.

PART 111—ELECTRIC SYSTEMS—GENERAL REQUIREMENTS

Subpart 111.01—General

Sec.

111.01-1 General.
111.01-3 Placement of equipment.
111.01-5 Protection from bilge water.
111.01-7 Accessibility.
111.01-9 Watertight and waterproof equipment.
111.01-11 Corrosion-resistant parts.
111.01-13 Limitations on procelain use.
111.01-15 Temperature ratings.
111.01-17 Nature of electric supply.

Subpart 111.05—Equipment Ground, Ground Detection, and Grounded Systems

111.05-1 Purpose.

Equipment Ground

111.05-3 Design, construction, and installation; general.
111.05-7 Armored and metallic-sheathed cable.
111.05-9 Masts.

System Grounding

111.05-11 Hull return.
111.05-13 Grounding connection.
111.05-15 Neutral Grounding.
111.05-17 Generation and distribution system grounding.
111.05-19 Tank vessels; grounded distribution systems.

Ground Detection

111.05-21 Ground detection.
111.05-23 Location of ground indicators.
111.05-25 Ungrounded systems.
111.05-27 Grounded neutral alternating-current systems.
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111.107–1 Industrial systems.

Authority: 46 U.S.C. 170, 367, 369, 375, 390b, 391a, 392, 405, 416, 445, 489, 526p; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 111.01—General

§111.01–1 General.

Electric installations on vessels must ensure—

(a) Maintenance of services necessary for safety under normal and emergency conditions; and

(b) Protection of passengers, crew, other persons, and the vessel from electrical hazards.

§111.01–3 Placement of equipment.

(a) Electric equipment must be arranged, as far as practicable, to prevent mechanical damage to the equipment from the accumulation of dust, oil vapors, steam, or dripping liquids.

(b) Apparatus that may arc must be ventilated or be in ventilated compartments in which flammable gases, acid fumes, and oil vapors cannot accumulate. Skylights and ventilators must be arranged to prevent flooding of the apparatus.

§111.01–5 Protection from bilge water.

Each generator, motor, and electric coupling must be arranged so that it cannot be damaged by bilge water.

§111.01–7 Accessibility.

The design and arrangement of electric apparatus must allow accessibility to each part that needs inspection or adjustment.

§111.01-9 Watertight and waterproof equipment.

Electric equipment exposed to the weather or in a space where it is exposed to seas, splashing, or similar moisture conditions, must be watertight or be in a watertight enclosure, except a motor, which must be either watertight or waterproof. A watertight enclosure must be designed in such a way that the total rated temperature of the equipment inside the enclosure is not exceeded.

§111.01-11 Corrosion-resistant parts.

Each enclosure and part of electric equipment that can be damaged by corrosion must be made of corrosion-resistant materials or of materials having a corrosion resistant finish.

§111.01-13 Limitations on porcelain use.

Porcelain must not be used for lamp sockets, switches, receptacles, fuse blocks, or other electric equipment where the item is solidly mounted by machine screws or their equivalent, unless the porcelain piece is resiliently mounted.

§111.01-15 Temperature ratings.

(a) In this subchapter an ambient temperature of 40 degrees C is assumed except as otherwise stated.

(b) A 50 degrees C ambient temperature is assumed for boilerrooms, enginerooms and auxiliary machinery spaces unless it can be shown that a 40 degrees C ambient temperature will not be exceeded in these spaces.

(c) If a machine is to be utilized in a space in which the machine's rated ambient temperature is below the assumed ambient temperature of the space, it must be used at a derated load. The assumed ambient temperature of the space plus the machine's actual temperature rise at its derated load must not exceed the machine's total rated temperature (machine's rated ambient temperature plus its rated temperature rise).

§111.01-17 Nature of electric supply.

(a) *Standard systems.* The following systems of distribution are standard:

(1) Two-wire with direct current or single-phase alternating current.

(2) Three-wire with direct current or single-phase alternating current.

(3) Three-wire, three-phase alternating current.

(4) Four-wire, three-phase alternating current.

(b) *Standard voltages.* The voltages given in Table 111.01-17 (b) are standard.

TABLE 111.01-17(B)—STANDARD VOLTAGES

Generation equipment	Utilization equipment[1]	Lighting devices[2]
Direct Current:		
120	115	115
240	230	—
Alternating Current:		
120	115	120
208	200	208
230-240	220-230	240
450-480	440-460	480
600	575	—
2400	2300	—
4160	4000	—

[1] The standard voltages specified for the utilization devices are the ones usually used with the matched generation voltage; however, devices with other voltage ratings may be acceptable.
[2] Lighting devices are usually rated for the maximum permissible voltages.

(c) *Standard frequency.* A frequency of 60 hertz is recognized as standard for alternating-current lighting and power systems.

(d) *Others.* Distribution systems, voltages, or frequencies that differ from the standard must be accepted by the Commandant.

Subpart 111.05—Equipment Ground, Ground Detection, and Grounded Systems

§ 111.05-1 Purpose.

This subpart contains requirements for the grounding of circuits and electric equipment.

Note. Circuits are grounded to limit excessive voltage from lightning, transient surges, and unintentional contact with higher voltage lines, and to limit the voltage to ground during normal operation. Conductive materials enclosing electric conductors and equipment, or forming part of that equipment, are grounded to prevent a voltage above ground on the enclosure materials.

Equipment Ground

§ 111.05-3 Design, construction, and installation; general.

(a) An electric apparatus must be designed, constructed, and installed to prevent any person from accidentally contacting energized parts.

(b) Exposed, noncurrent-carrying metal parts of fixed equipment that may become energized because of any condition must be grounded.

(c) Exposed, noncurrent-carrying metal parts of portable equipment must be grounded through a conductor in the supply cable to the grounding pole in the receptacle.

(d) If the installation of the electrical equipment does not ensure a positive ground to the metal hull or equivalent conducting body, the apparatus must be grounded to the the hull with a grounding conductor.

§ 111.05-7 Armored and metallic-sheathed cable.

(a) Each metallic-sheathed, multiconductor multiphase cable and each multiconductor multiphase armored cable must have its metallic covering—

(1) Electrically and mechanically continuous;

(2) Grounded to the metal hull at the supply end of final sub-circuits; and

(3) Grounded to the metal hull at each end on other circuits.

(b) Single conductor alternating-current cable must have its metallic covering grounded only at the midpoint.

§ 111.05-9 Masts.

Each wooden mast and each wooden topmast must have a lightning ground conductor.

System Grounding

§ 111.05-11 Hull return.

(a) A vessel's hull must not carry current as a conductor except for the following systems:

(1) Impressed current cathodic protection systems.

(2) Limited and locally grounded systems, such as a battery system for engine starting that has a one-wire system and the ground lead connected to the engine.

(3) Insulation level monitoring devices if the circulation current does not exceed 30 milliamperes under the most unfavorable conditions.

(4) Welding systems with hull return except vessels subject to 46 CFR Subchapter D.

§ 111.05-13 Grounding connection.

Each grounded system must have only one point of connection to ground regardless of the number of power sources operating in parallel in the system.

§ 111.05-15 Neutral grounding.

(a) Each propulsion, power, lighting, or distribution system having a neutral bus or conductor must have the neutral grounded.

(b) The neutral of a dual-voltage system must be solidly grounded at the generator switchboard.

§ 111.05-17 Generation and distribution system grounding.

The neutral of each grounded generation and distribution system must—

(a) Be grounded at the generator switchboard, except the neutral of an emergency power generation system must be grounded with—

(1) No direct ground connection at the emergency switchboard;

(2) The neutral bus permanently connected to the neutral bus on the main switchboard; and

(3) No switch, circuit breaker, or fuse in the neutral conductor of the bus-tie feeder connecting the emergency switchboard to the main switchboard; and

(b) Have the ground connection accessible for checking the insulation resistance of the generator to ground before the generator is connected to the bus.

§ 111.05-19 Tank vessels; grounded distribution systems.

(a) If the voltage of a distribution system is less than 3,000 volts, line-to-line, a tank vessel must not have a grounded distribution system.

(b) If the voltage of a distribution system on a tank vessel is 3,000 volts or more, line-to-line, and the distribution system is grounded, any resulting current must not flow through hazardous locations.

Ground Detection

§ 111.05-21 Ground detection.

There must be ground detection for each—

(a) Electric propulsion system;

(b) Ship's service power system;

(c) Lighting system; and

(d) Power or lighting distribution system that is isolated from the ship's service power and lighting system by transformers, motor generator sets, or other devices.

§ 111.05-23 Location of ground indicators.

Ground indicators must—

(a) Be at the vessel's ship's service generator distribution switchboard for the normal power, normal lighting, and emergency lighting systems;

(b) Be at the propulsion switchboard for propulsion systems; and

(c) Be readily accessible.

§ 111.05-25 Ungrounded systems.

Ground detection for each ungrounded system must have—

(a) A lamp for each phase that is—

(1) Connected between the phase and ground; and

(2) More than 5 watts and less than 25 watts when operating at one-half voltage in the absence of a ground; and

(b) A normally-closed, spring return-to-normal switch between the lamps and the ground connection.

§ 111.05-27 Grounded neutral alternating-current systems.

Ground detection for each alternating-current system that has a grounded neutral must have the following equipment that can withstand the maximum available fault current without damage;

(a) An ammeter that—

(1) Indicates the current in the ground connection; and

(2) Has a scale that accurately, and with clear definition, indicates current in the 0 to 10 ampere range; and

(b) An ammeter switch that is the spring return-to-on type.

§ 111.05-29 Dual voltage direct-current systems.

Ground detection for each dual voltage direct-current system must have a zero center ammeter that—

(a) Is in the ground connection;

(b) Has a full scale range of 150 percent of the neutral current rating; and

(c) Has the polarity of the ground marked.

Grounded Conductors

§ 111.05-31 Grounding conductors for systems.

(a) A conductor for grounding a direct-current system must be the larger of—

(1) The largest conductor supplying the system; or

(2) No. 8 AWG (8.4mm²).

(b) A conductor for grounding the neutral of an alternating-current system must meet Table 111.05-31(b).

TABLE 111.05-31(b)—NEUTRAL GROUNDING CONDUCTOR FOR ALTERNATING-CURRENT SYSTEM

Size of the largest generator cable or equivalent for parallel generators—AWG-MCM (mm²)		Size of the system grounding conductor—AWG(mm²)
Greater than	Less than or equal to	
	2 (33.6)	8 (8.4)
2 (33.6)	0 (53.5)	6 (13.3)
0 (53.5)	3/0 (85.0)	4 (21.2)
3/0 (85.0)	350 MCM (177)	2 (33.6)
350 MCM (177)	600 MCM (304)	0 (53.5)
600 MCM (304)	1100 MCM (557)	2/0 (67.5)
1100 MCM (557)		3/0 (85.0)

§ 111.05-33 Equipment grounding conductors.

(a) Equipment grounding conductors must be sized in accordance with Section 250-95 of the National Electrical Code.

(b) Each insulated grounding conductor of a cable must have green braid or insulation.

§ 111.05-37 Overcurrent device.

A permanently grounded conductor must not have an overcurrent device unless the overcurrent device—

(a) Simultaneously opens each ungrounded conductor of the circuit; or

(b) Meets Section 430-36 of the National Electrical Code.

§ 111.05-39 Switch and circuit breaker.

(a) The grounded conductor of a circuit must not be disconnected by a switch or circuit breaker, unless the ungrounded conductors are simultaneously disconnected.

(b) The neutral conductor of the emergency-main switchboard bus-tie must not have a switch or circuit breaker.

Subpart 111.10—Power Supply

§ 111.10-1 Definitions.

As used in this Subpart:

(a) "Ship's service loads" means all auxiliary services necessary for maintaining the ship or drill unit in a normal operational and habitable condition. Ship's service loads include, but are not limited to, all safety, lighting, ventilation, navigational, communications, habitability, cargo refrigeration, and auxiliary propulsion loads. Electrical propulsion motor, bow thruster motor, cargo transfer, drilling, and other industrial type loads are not included.

(b) "Drilling loads" means all loads associated exclusively with the drilling operation including power to the drill table, mud system, and positioning equipment.

§ 111.10-3 Two generating sets.

In addition to the emergency power sources required under Part 112 of this subchapter, each self-propelled vessel must have at least two electric generating sets.

§ 111.10-4 Power requirements; generating sets.

(a) With any ship's service generating set stopped, the combined capacity of the remaining electric ship's service generating set or sets required in § 111.10-3 must be sufficient for the ship's service load.

(b) The capacity of the ship's service generating sets must be sufficient for supplying the ship's service loads without the use of a generating set that is dependent upon the speed or direction of the main propelling engines or shafting.

(c) Operating generators must provide a continuous and uninterrupted source of power for the ship's service load under normal operational conditions. Any vessel speed change or throttle movement must not cause a ship's service load power interruption.

(d) If the ship's service loads are supplied from the same generating plant as an electrical propulsion system, a cargo transfer load, a drilling load, or other industrial type load, the total generating capacity, exclusive of the

emergency generator, must be sufficient to supply both the above-mentioned loads and the ship's service loads.

§ 111.10-5 Multiple energy sources.

Failure of any single generating set energy source such as a boiler, diesel, gas turbine, or steam turbine must not cause all generating sets required in § 111.10-3 to be inoperable.

§ 111.10-7 Dead ship.

(a) The generating plant of each self-propelled vessel must provide the electrical services necessary to start the main propulsion plant from a dead ship condition.

(b) If the emergency generator is used for part or all of the electric power necessary to start the main propulsion plant from a dead ship condition, the emergency generator must be capable of providing power to all emergency lighting, emergency internal communications systems, and fire detection and alarm systems in addition to the power utilized for starting the main propulsion plant.

§ 111.10-9 Ship's service supply transformers; 2 required.

If transformers are used to supply the ship's service distribution system required by this subpart for ships and mobile offshore drilling units, there must be at least two separate ship's service supply systems.

Note.—A ship's service supply system would consist of transformers, overcurrent protective devices, and cables, and would normally be located between a medium voltage bus and a low voltage ship's service switchboard.

§ 111.10-11. Power requirements; transformers.

With any one ship's service supply systems de-energized, the remaining supply system must have sufficient capacity to supply the ship's service loads.

Subpart 111.12—Generator Construction and Circuits

§ 111.12-1 Prime movers.

(a) Requirements for prime movers are in Subpart 58.10 of this chapter. Additional requirements for prime movers for emergency generators are in Subpart 112.50 of this subchapter.

(b) Each diesel engine prime mover must have an overspeed device that is independent of the normal operating governor and adjusted so that the speed cannot exceed the maximum rated speed by more than 15 percent.

(c) Each prime mover must shut down automatically upon loss of lubricating pressure to the generator bearings unless otherwise accepted by the Commandant.

§ 111.12-3 Excitation.

Excitation must meet Section 35.23 of the American Bureau of Shipping's "Rules for Building and Classing Steel Vessels," except a static exciter must not be use for excitation of an emergency generator unless it is provided with a permanent magnet or a residual magnetism type exciter that has the capability of voltage build-up after two months of no operation.

§ 111.12-5 Generator construction and testing.

(a) Each generator must meet the applicable construction and test requirements of Section 35 of the American Bureau of Shipping's "Rules for Building and Classing Steel Vessels."

(b) Each generator must be a dripproof and protected machine and have dampers in each non-recirculating system air duct.

(c) Each emergency generator must have means to prevent moisture condensation in the machine.

(d) No steam heating coil may have a pipe joint in a generator casing.

§ 111.12-7 Voltage regulation and parallel operation.

(a) Generator voltage regulation and parallel operation must meet Sections 35.31 and 35.33 of the American Bureau of Shipping "Rules for Building and Classing Steel Vessels".

(b) Each voltage regulation supply circuit—

(1) Must be taken from the generator side of the generator circuit breaker; and

(2) Must not be protected by an overload device.

(c) If the voltage regulation supply circuit is provided with short circuit protection, the overcurrent device must be set at not less than 500 percent of the expected current.

§ 111.12-9 Generator cables.

(a) The current-carrying capacity of generator cables must not be—

(1) Less than 115 percent of the continuous generator rating; or

(2) Less than 115 percent of the overload for a machine with a 2 hour or greater overload rating.

(b) Generator cables must not be in the bilges.

§ 111.12-11 Generator protection.

(a) *Applicability.* This section applies to each generator except a propulsion generator.

(b) *General.* Each ship's service generator and emergency generator must be protected by an individual, tripfree, air circuit breaker whose tripping characteristics can be set or adjusted to closely match the generator capabilities and meet the coordination requirements of Subpart 111.51. Each circuit breaker must contain the trips required by this section.

(c) *Type of trips.* A circuit breaker for a generator must—

(1) Have inverse time overcurrent trips or relays set as necessary to coordinate with the trip settings of the feeder circuit breakers; and

(2) Not have an instantaneous trip with the exception that an instantaneous trip is required if—

(i) Three or more alternating-current generators can be paralleled; or

(ii) The circuit breaker is for a direct current generator.

(d) *Setting of inverse time trips.* The pickup setting of the longtime overcurrent trip of a generator circuit breaker must not be larger than—

(1) 115 percent of the generator rating for a continuous rated machine; or

(2) 115 percent of the overload rating for a machine with a 2-hour or greater overload rating.

(e) *Setting of instantaneous trips.* The instantaneous trip of a generator circuit breaker must be set above, but as close as practicable to, the maximum asymmetrical short circuit available from any one of the generators that can be paralleled.

(f) *Reverse-power and reverse-current trips.* Each generator arranged for parallel operation must have reverse-power or reverse-current trips.

(g) *Location.* A ship's service generator overcurrent protective device must be on the ship's service generator switchboard. The generator and its switchboard must be in the same space. (For the purposes of this section, the following are not considered separate from the machinery space: (1) A control room that is inside of the machinery casing and (2) a dedicated switch-gear and semiconductor rectifier (SCR) compartment on a mobile offshore drilling unit that is separate from but directly adjacent to and on the same level as the generator room).

(h) *Three-wire, single-phase and four-wire, three-phase generators.* There must be circuit breaker poles for each generator lead, except in the neutral lead.

(i) *Three-wire, direct-current generators.* Each three-wire, direct current generator must meet the following requirements:

(1) *Circuit breaker poles.* There must be separate circuit breaker poles for the positive and negative leads, and, unless the main poles provide protection, for each equalizer lead. If there are

equalizer poles for a three-wire generator, each overload trip must be of the "Algebraic" type. If there is a neutral pole in the generator circuit breaker, there must not be an overload trip element for the neutral pole. In this case, there must be a neutral overcurrent relay and alarm system that is set to function at a current value not more than the neutral rating.

(2) *Equalizer buses.* For each three-wire generator, the circuit breaker must protect against a short circuit on the equalizer bus.

§ 111.12-13 Propulsion generator protection.

For general requirements, see § 111.35-1 of this chapter.

Subpart 111.15—Storage Batteries and Battery Chargers: Construction and Installation

§ 111.15-1 General.

Each battery must be a lead-acid or alkaline type and meet the requirements of this subpart. Other types of storage batteries must be accepted by the Commandant.

§ 111.15-2 Battery construction.

(a) Each battery must withstand vessel pitch, vibration, and roll, and exposure to a salt water atmosphere.

(b) A battery cell must not spill electrolyte if the battery is inclined at 30 degrees from the vertical.

(c) Each positive plate of a lead-acid battery for a general alarm system or for an emergency lighting and power system, except for an engine cranking system, must be at least 6.35 mm (0.25 in.) thick.

(d) Except as required under paragraph (c), each positive plate of a lead-acid battery must be at least 3.17 mm (0.125 in.) thick.

(e) Each fully charged lead-acid battery must have a specific gravity that meets Section 16.2 of IEEE Standard No. 45.

§ 111.15-3 Battery categories.

A battery installation is classified as one of three types, based upon power output of the battery charger, as follows:

(a) *Large.* A large battery installation is one connected to a battery charger that has an output of more than 2 kw computed from the highest possible charging current and the rated voltage of the battery installation.

(b) *Moderate.* A moderate battery installation is one connected to a battery charger that has an output of between 0.2 kw and 2 kw computed from the highest possible charging current and the rated voltage of the battery installation.

(c) *Small.* A small battery installation is one connected to a battery charger that has an output of less than 0.2 kw computed from the highest possible charging current and the rated voltage of the battery installation.

§ 111.15-5 Battery installation.

(a) *Large batteries.* Each large battery installation must be in a room that is only for batteries or in a box on deck. Electric equipment in a battery room must be approved by Underwriters Laboratories Inc., Factory Mutual Research Corp., or other independent laboratory recognized by the Commandant for a Class I, Division 1, Group B location. Devices that may arc, such as switches, battery chargers, and similar devices, must not be in a battery room. Except conductors for engine cranking batteries, each battery conductor must have an overcurrent protective device that is next to, but outside the battery room. Electric cables, other than those for the battery or battery room lighting, must not be in a battery room. A fixed danger notice must be on each door of a battery room and on each cover of a battery deck box, stating that a naked light or smoking in this room or in this area is not allowed.

(b) *Moderate batteries.* Each moderate battery installation must be in a battery room, in a box on deck, or in a box or locker in another space such as an engineroom, storeroom, or similar space, except if a moderate battery installation is in a ventilated compartment such as the engineroom and is protected from falling objects, a box or locker is not required. A moderate battery installation must not be in a sleeping space. An engine cranking battery for one or more engines must be as close as possible to the engine or engines.

(c) *Small batteries.* Small size battery installations must be located in well-ventilated spaces. They must not be located in closets, storerooms, or similar spaces.

(d) *Battery trays.* Each battery tray must be chocked with wood strips or their equivalent to prevent movement, and each tray must have non-absorbent insulating supports on the bottom and similar spacer blocks at the sides, or equivalent provisions for air circulation space all around each tray. Each battery tray must be accessible, with at least 254 mm (10 in.) of head room.

(e) *Tiers.* When batteries are arranged in two or more tiers, each shelf must have at least 50.8 mm (2 in.) of space front and back for circulation of air.

(f) *Nameplates.* The battery manufacturer's name or trade mark and type designation, the ampere-hour rating at a specific rate of discharge, and, for a lead-acid battery, the specific gravity of the electrolyte when fully charged, must be on a fixed nameplate on each tray or molded on the tray case.

(g) *Lining in battery rooms and lockers.* Each battery room and locker must have a watertight lining that is—

(1) On—

(i) Each shelf to a height of at least 3 in. (76.2 mm); or

(ii) The deck to a height of at least 6 in. (152.4 mm);

(2) For lead-acid batteries, 1/16 in. (1.6 mm) thick lead or other material that is corrosion-resistant to the electrolyte of the battery; and

(3) For alkaline batteries, 1/32 in. (0.8 mm) thick steel or other material that is corrosion-resistant to the electrolyte of the battery.

(h) *Lining of battery boxes.* Each battery box must have a watertight lining to a height of at least 3 in. (76.2 mm) that meets paragraphs (g)(2) and (g)(3).

§ 111.15-10 Ventilation.

(a) *General.* Each room, locker, and box for storage batteries must be arranged or ventilated to prevent accumulation of flammable gas.

(b) *Power ventilation.* If power ventilation is required, the following must be met:

(1) The power ventilation system must be separate from ventilation systems for other spaces.

(2) Electric motors must be outside the duct and compartment and—

(i) Have an explosion-proof motor for a Class I, Division 1, Group B location; or

(ii) Be at least 10 ft. (3 m) from the exhaust end of the duct.

(3) Each blower must have a non-sparking fan.

(4) The power ventilation system must be interlocked with the battery charger so that the battery cannot be charged without ventilation.

(c) *Large battery installations.* Each battery room for large battery installations must have a power exhaust ventilation system and have openings for intake air near the floor that allow the passage of the quantity of air that must be expelled. The quantity of the air expelled must be at least:

$q = 3.89(i)(n)$.

where: q = quantity of expelled air in cubic feet per hour.

i = Maximum charging current during gas formation, or one-fourth of the maximum obtainable charging current of the charging facility, whichever is greater.

n = Number of cells.

(d) *Moderate and small battery installations.* Each battery room or battery locker for moderate or small battery installations must have louvers near the bottom of the room or locker for air, and must be ventilated by—

(1) Ventilation that meets paragraph (c) of this section;

(2) An exhaust duct—

(i) That ends in a mechanically ventilated space or in the weather;

(ii) That extends from the top of the room or locker to at least 3 ft. (1 m) above the top of the room or locker;

(iii) That is at an angle of 45 degrees or less from the vertical; and

(iy) That has no appliances, such as flame arresters, that impede free passage of air or gas mixtures; or

(3) A duct from the top of the room or locker to an exhaust ventilation duct.

(e) *Deck boxes.* Except for a deck box for a small battery installation, each deck box must have a duct from the top of the box to at least 4 ft. (1.2 m) above the box ending in a gooseneck or mushroom head that prevents entrance of water. Holes for air must be on at least two parallel sides of each box.

(f) *Weathertight.* Each deck box must be weathertight.

(g) *Boxes for small battery installation.* Each box for a small battery installation must have openings near the top to allow escape of gas.

§ 111.15–20 Conductors.

(a) If a conductor enters a battery room, the hole must be made watertight.

(b) Each connection within a battery room must be resistant to the electrolyte.

(c) The end of each cable must be sealed to prevent the entrance of electrolyte by spray or creepage.

(d) The current-carrying capacity of a connecting cable must be at least as large as the maximum charging current or maximum discharge current, whichever is greater.

§ 111.15–25 Overload and reverse current protection.

(a) An overload protective device must be in each battery conductor, except conductors of engine cranking batteries and batteries with a nominal potential of 6 volts or less. For large storage battery installations, the overcurrent protective devices must be next to, but outside of, the battery room.

(b) Except when a rectifier is used, the charging equipment for all batteries with a nominal voltage more than 20 percent of line voltage must protect automatically against reversal of current.

§ 111.15–30 Battery chargers.

Each battery charger must be dripproof and meet UL 1236.

Subpart 111.20—Transformer Construction, Installation, and Protection

§ 111.20–1 General requirements.

Each transformer winding must be resistant to moisture, sea atmosphere, and oil vapor.

§ 111.20–5 Temperature rise.

(a) The temperature rise, based on an ambient temperature of 40 degrees C, must not exceed the following:

(1) For Class A insulation, 55 degrees C.

(2) For Class B insulation, 80 degrees C.

(3) For Class F insulation, 115 degrees C.

(4) For Class H insulation, 150 degrees C.

(b) If the ambient temperature is higher than 40 degrees C, the transformer must be derated so that the total temperature stated in this section is not exceeded. The temperature must be taken by the resistance method.

§ 111.20–10 Autotransformers.

An autotransformer must not supply feeders or branch circuits.

§ 111.20–15 Transformer overcurrent protection.

Each transformer must have protection against overcurrent that meets Article 450 of the National Electrical Code.

Subpart 111.25—Motors

§ 111.25–1 General requirements.

The requirements for generators contained in § 111.12–5 (a) and (b) apply to motors.

§ 111.25–5 Marking.

(a) Each motor must have a marking or nameplate that meets Section 430–7 of the National Electrical Code.

(b) The marking or nameplate for each motor that is in a corrosive location must be corrosion-resistant.

§ 111.25–15 Duty cycle.

Each motor must be rated for continuous duty, except a motor for an application listed in Table 111.25–15 or a similar duty must meet the minimum short-time rating stated in the table.

TABLE 111.25–15

Application of motor	Minimum short-time rating of motor, in hours
Deck winch and direct acting capstan.	Half.
Deck winch with hydraulic transmission.	Continuous at no load followed by ⅓ hr. at full load.
Direct acting windlass	One fourth.
Windlass with hydraulic transmission.	Half hour idle pump operation, followed by ¼ hr. full load operation.
Steering gear, direct acting	One.
Steering gear, indirect drive	Continuous operation at 15 pct. load followed by 1 hr. at full load.
Watertight door operators	½.
Boat winches	½.

Subpart 111.30—Switchboards

§ 111.30–1 Location and installation.

(a) Each switchboard must—

(1) Be in as dry a location as possible;

(2) Have a working space of at least 1 m (3 ft.) in front of the switchboard;

(3) Have a working space behind the switchboard that is at least 0.6 m (24 in.) from the nearest bulkhead and at least 0.5 m (18 in.) from the nearest stiffener or frame, or have no rear access; and

(4) If it is a main switchboard, be in a machinery space that has a ship's service generator. (See § 111.12–11(g) for additional requirements).

(b) Piping must not be run over or in the vacinity of switchboards if practicable. When such runs of piping are necessary, welded joints only must be used and shielding must be installed to prevent spray from steam or pressurized liquids or any leakage from impinging on the switchboard from the top, bottom, or sides in the event of accidental spillage or piping failures.

§ 111.30–3 Accessibility of switchboard components and connections.

Each component and bus bar connection on a switchboard that is not accessible from the rear, except a bus bar connection for a draw-out type circuit breaker, must be within 0.5 m (20 in.) of the front of the switchboard.

§111.30–4 Circuit breakers removable from front.

Circuit breakers of the molded-case type, when installed on generator or distribution switchboards, must be mounted or arranged in such a manner that the circuit breaker may be removed from the front without first unbolting bus or cable connections or deenergizing the supply.

§ 111.30–5 Construction.

(a) Insulating material for panels, bases, and supports for a switchboard must be moisture resistant and incombustible.

(b) A switchboard must have—

(1) No wood except in handrails and guardrails;

(2) Positioners and stops on hinged panels with a height greater than 45 inches (1.14m) or a width greater than 24 inches (0.6m); and

(3) Wearing parts readily replacable.

(c) Each switchboard must be of sturdy construction with a metal frame. Panels must not be made of metal unless the live parts mounted on it are properly insulated. The supporting framework for all panels must be of rigid construction.

(d) Each switchboard must be secured to a solid foundation and be—

(1) Self-supporting; or

(2) Braced to the bulkhead or deck above.

(e) If a switchboard is braced, the means of bracing must be flexible to allow deflection of the ships structure without buckling the control cell or assembly structure.

(f) Each switchboard must have a dead front.

§ 111.30–9 Mechanical protection.

Each switchboard must have—

(a) Enclosed sides;

(b) A dripshield;

(c) A door at each entrance to a rear working space;

(d) Front non-conducting handrails; and

(e) Rear non-conducting guardrails if the switchboard has a rear working space.

§ 111.30–11 Mats or gratings.

Electric grade deck coverings meeting MIL–M–15562, non-conducting mats, or non-conducting gratings must be in each working area in front of and behind each switchboard.

§ 111.30–13 Grounding.

The following must be grounded:

(a) The metal case of each—

(1) Instrument;

(2) Relay;

(3) Meter; and

(4) Instrument transformer.

(b) The secondary winding of each instrument transformer.

§ 111.30–15 Nameplates.

(a) Each device must have a nameplate showing the device's function.

(b) Each nameplate for a circuit breaker must show the electrical load served and the setting of the circuit breaker.

§ 111.30–17 Protection of instrument circuits.

(a) Each circuit that supplies a device on a switchboard, except a circuit under paragraph (b) of this section, must have overcurrent protection.

(b) A circuit that supplies a device on a switchboard must not have overload protection if it supplies—

(1) An electric propulsion control;

(2) A voltage regulator;

(3) A ship's service generator circuit breaker tripping control; or

(4) A device that creates a hazard to the vessel if deenergized.

(c) If short circuit protection is used in any of the circuits listed in paragraph (b) of this section, it must be set at not less than 500% of the expected current.

(d) A secondary circuit of a current transformer must not be fused, and the circuit from a current transformer to a device that is not in the switchboard must have a high voltage protector to short the transformer during an open circuit.

§ 111.30–19 Buses and wiring.

(a) *Bus capacity.* Each bus must have the following current-carrying capacity, except a feeder bus that has the same capacity as the capacity of the generator bus to which it is connected:

(1) Each bus and each bus connection must have a current-carrying capacity that is at least the total of 75 percent of the combined full-load rated currents of the equipment supplied and 50 percent of the combined ratings of the spare circuit breakers, except a bus under paragraphs (a)(2) through (a)(4).

(2) Each feeder bus must have the current carrying capacity for the full-load rated currents supplied to units in continuous operation.

(3) Each generator bus that is supplied by a single generator must have a current-carrying capacity that is at least the total of—

(i) The continuous current rating of the generator; and

(ii) Any overload current rating of the generator that is more than 30 minutes.

(4) Each generator bus that is supplied by more than one generator and has all the generating capacity feeding through one section must have a current carrying capacity that is at least the total of—

(i) The continuous current rating of the largest generator;

(ii) Any overload current rating of more than 30 minutes for the largest generator; and

(iii) 80 percent of the continuous current rating of each additional generator.

(b) *Bus rating.* The size and arrangement of each bus must be such that its rating in Table A27 (Appendix) of IEEE Standard No. 45 is not less than the capacity required in paragraph (a) of this section.

(c) *Bus bracing.* Each bus must be braced to prevent damage from the maximum available short-circuit current.

(d) *Spacing.* The spacing between live metal parts must meet Section 384–26 of the National Electrical Code.

(e) *Connections.* Each bus and wiring connection must have a locking device to prevent loosening due to vibration and must be accessible.

(f) *Wiring.* Instrument and control wiring must be—

(1) National Electrical Code Type TA, TBS, or SIS wire;

(2) Stranded copper;

(3) No. 14 AWG (2.1 mm) or larger;

(4) Flame-retardant meeting UL 83; and

(5) Extra flexible, if used on a hinged panel.

§ 111.30–21 High temperature devices.

Each rheostat and other device that operates at high temperature must be isolated by barriers and naturally ventilated.

§ 111.30–23 Medium voltage switchboards.

Each switchboard having a root-mean-square (RMS) voltage of 1000 volts or more must meet ANSI C37.20 for metal-clad switchgear.

§ 111.30–24 Generation systems greater than 3000 kw.

Except on a mobile offshore drilling unit, when the total installed electric power of the ship's service generation system is more than 3000 kw, the switchboard must have the following:

(a) At least two sections of the main bus that are connected by—

(1) A non-automatic circuit breaker;

(2) A disconnect switch; or

(3) Removable links.

(b) As far as practicable, the connection of generators and duplicated equipment equalized between the sections of the main bus.

§ 111.30–25 Alternating-current ship's service switchboards.

(a) Except as allowed in paragraph (g) of this section, each alternating-current ship's service switchboard must have the equipment required by paragraphs (b) through (f) of this section.

(b) For each connected generator, each switchboard must have the following:

(1) A circuit breaker that meets § 111.12–11 and § 111.50–5.

(2) A disconnect switch or link for each generator conductor, except a switchboard having a draw-out or plug-in type generator circuit breaker that disconnects—

(i) Each generator conductor; or

(ii) If there is a switch in the generator neutral, each ungrounded conductor.

(3) A pilot lamp connected between the generator and the circuit breaker.

(4) An ammeter with a selector switch that connects the ammeter to show the current in each phase.

(5) A voltmeter with a selector switch that connects the voltmeter to show the—

(i) Generator voltage of each phase; and

(ii) Bus voltage of one phase.

(6) A voltage regulator and voltage regulator functional cut-out switch.

(c) For each generator that is not excited from a variable voltage or rotary amplifier that is controlled by a voltage regulator unit acting on the exciter field, each switchboard must have—

(1) A generator field rheostat;

(2) A double-pole field switch;

(3) Discharge clips; and

(4) A discharge resistor.

(d) If generators are arranged for parallel operation, each switchboard must have—

(1) A speed control for the prime mover of each generator;

(2) An indicating wattmeter for each generator; and

(3) A synchroscope and synchronizing lamp that have a selector switch to show synchronization for paralleling generators.

(e) Each switchboard must have the following:

(1) Ground detection that meets Subpart 111.05 for the—

(i) Ship's service power system;

(ii) Normal lighting system; and

(iii) Emergency lighting system.

(2) A frequency meter with a selector switch to connect the meter to each generator.

(3) An exciter field rheostat.

(f) For each shore power connection each switchboard must have—

(1) A circuit breaker or fused switch;

(2) A pilot light connected to the shore side of the circuit breaker or fused switch; and

(3) One of the voltmeters under paragraph (b)(5) of this section connected to show the voltage of each phase of the shore power connection.

(g) The equipment under paragraphs (b), (d) (e), and (f) of this section, except the equipment under paragraphs (b)(1), (b)(2), and (f)(1), must be on the ship's service switchboard or on a central control console that—

(1) Is in the same control area as the main ship's service switchboard or can remotely control the ship's service generator circuit breaker;

(2) Has a generator section that has only generator functions;

(3) Has the generator section segregated from each other console section by a fire-resistant barrier; and

(4) Has cabling from the main switchboard to the generator section of the console that—

(i) Has only generator control and generator instrumentation circuits; and

(ii) Is protected from mechanical damage.

§ 111.30-27 Direct current ship's service switchboards.

(a) Each direct current ship's service switchboard must have the equipment required by paragraphs (b) through (f) of this section.

(b) For each connected generator, each switchboard must have the following:

(1) A circuit breaker that meets § 111.12-11 and § 111.50-5.

(2) A disconnect switch or link for each generator conductor, except a switchboard having a draw-out or plug-in type generator circuit breaker that disconnects—

(i) Each conductor; or

(ii) If there is a switch in the generator neutral, each ungrounded conductor.

(3) A field rheostat.

(4) A pilot lamp connected between the generator and circuit breaker.

(c) For each two-wire generator, each switchboard must have—

(1) An ammeter; and

(2) A voltmeter with a selector switch that connects the voltmeter to show—

(i) Generator voltage; and

(ii) Bus voltage.

(d) For each three-wire generator, each switchboard must have the following:

(1) An ammeter for—

(i) The positive lead; and

(ii) The negative lead.

(2) A center zero type ammeter for the neutral ground connection.

(3) A voltmeter with a selector switch that connects the voltmeter to show generator and bus voltage—

(i) Positive to negative;

(ii) Positive to neutral; and

(iii) Neutral to negative.

(e) Each switchboard must have ground detection that meets Subpart 111.05 for the—

(1) Main power system;

(2) Main lighting system; and

(3) Emergency lighting system.

(f) For each shore power connection, each switchboard must have—

(1) A circuit breaker or fused switch; and

(2) A pilot light connected to the shore side.

(g) One of the voltmeters under paragraph (c)(2) or (d)(3) of this section must be connected to show—

(1) For each two-wire system, shore connection voltage; and

(2) For each three-wire system, shore connection voltage—

(i) Positive to negative;

(ii) Positive to neutral; and

(iii) Neutral to negative.

§ 111.30-29 Emergency switchboards.

(a) Each emergency generator must have an emergency switchboard.

(b) Each alternating-current emergency switchboard must have the equipment required by paragraphs (c) through (e) of this section.

(c) For each connected emergency generator, each emergency switchboard must have—

(1) A circuit breaker that meets § 111.12-11;

(2) A disconnect switch or link for each emergency generator conductor, except for a switchboard with a draw out or plug-in type generator circuit breaker that disconnects—

(i) Each generator conductor; and

(ii) If there is a switch in the generator neutral, each ungrounded conductor; and

(3) A pilot lamp connected between the generator and circuit breaker.

(d) For each emergency generator that is not excited from a variable voltage or rotary amplifier exciter that is controlled by a voltage regulator unit acting on the exciter field, each emergency switchboard must have—

(1) A generator field rheostat;

(2) A double pole field switch;

(3) Discharge clips; and

(4) A discharge resistor.

(e) Each emergency switchboard must have the following:

(1) An ammeter with a selector switch that connects the ammeter to show the current for each phase.

(2) A voltmeter with a selector switch that connects the voltmeter to show—

(i) Generator voltage of each phase; and

(ii) Bus voltage of one phase.

(3) Ground detection that meets Subpart 111.05 for the emergency lighting system.

(4) A frequency meter.

(5) An exciter field rheostat.

(6) A voltage regulator and a voltage regulator functional cut-out switch.

(f) Each direct-current emergency switchboard must have the—

(1) Equipment under § 111.30-27 (b) through (d); and

(2) Ground detection under Subpart 111.05 for the emergency lighting system.

§ 111.30-31 Tests.

Each switchboard must meet the test requirements in section 35 of the

American Bureau of Shipping's "Rules for Building and Classing Steel Vessels."

Subpart 111.33—Power Semiconductor Rectifier Systems

§ 111.33-1 General.

This subpart is applicable to all power semiconductor rectifier systems. In addition to the regulations contained in this subpart, the requirements of §§ 111.30-11, 111.30-19 and 111.30-21 of this part must be met, if applicable.

§ 111.33-3 Nameplate data.

(a) Each semiconductor rectifier system must have a nameplate containing the words "marine semiconductor rectifier," and the following information:

(1) Manufacturer's name and address.
(2) Manufacturer's serial number.
(3) Type.
(4) Rated AC volts.
(5) Rated AC amperes.
(6) Number of phases.
(7) Frequency.
(8) Rated DC volts.
(9) Rated DC amperes.
(10) Ambient temperature range.
(11) Duty cycle.
(12) Cooling medium.

(b) If, on small rectifiers, the information required by paragraph (a) of this section cannot be shown because of space limitations, the nameplate must be at least large enough to contain the manufacturer's name and serial number. The remaining information must be shown on the schematic diagram.

§ 111.33-5 Installation.

(a) Each semiconductor rectifier system must have an adequate heat-removal system that prevents overheating. Rectifiers may be naturally cooled, forced-air-cooled, or water-cooled. An immersed type rectifier must not be used unless—

(1) A non-flammable liquid is used; and

(2) The rectifier system is capable of operation without leakage when the ship is inclined to an angle of 30 degrees each side of the vertical.

(b) Semiconductor rectifier systems must not be located near sources of radiant heat such as steam pipes and engine exhausts.

(c) Semiconductor rectifier systems rated for continuous 50 degrees C ambient temperatures must be installed, except where provisions are made for ensuring an ambient temperature of 40 degrees C or less. Installed systems must be capable of satisfactory operation down to 0 degrees C ambient temperature.

(d) Naturally cooled rectifiers must be installed such that—

(1) The air circulation to and from the rectifier is not restricted; and

(2) The inlet air temperature does not exceed the values for which it was designed.

(e) Forced-air or water-cooled semiconductor rectifiers systems must be installed to prevent application or retention of power on the rectifier unless the cooling is maintained or the maximum operating temperature of the semiconductor rectifier system is not exceeded.

(f) Water-cooled semiconductor rectifiers must operate satisfactorily with an inlet cooling water temperature of 30 degrees C.

(g) Rectifier stacks must have an enclosure that is watertight or dripproof.

§ 111.33-7 Alarms and shutdowns.

Each power semiconductor rectifier must have a high temperature alarm or shutdown, except as provided in § 111.33-11.

§ 111.33-9 Ventilation exhaust.

The exhaust of each forced-air semiconductor rectifier system must—

(a) Terminate in a location other than a hazardous location under Subpart 111.105 of this part; and

(b) Not impinge upon any other electric device.

§ 111.33-11 Propulsion systems.

(a) Each power semiconductor rectifier system in a propulsion system must—

(1) Meet section 35.84.4 of the American Bureau of Shipping's "Rules for Building and Classing Steel Vessels;"

(2) Have current limiting and current rate limiting circuits;

(3) Have external overcurrent protection;

(4) Have a high temperature alarm that activates prior to any high temperature shutdown;

(5) Have internal fuses or other acceptable overcurrent devices that—

(i) Do not operate under external faults; and

(ii) Are coordinated with thyristor capability to protect from internal faults involving only a fraction of the total number of branches in each leg;

(6) Have a system for detecting blown internal fuses; and

(7) Be installed in a place that is as dry as possible.

(b) Each power semiconductor rectifier system in a propulsion system must not have piping run over or in its vicinity, if practicable. If such runs of piping are necessary, welded joints only must be used and shielding must be installed to prevent spray from steam or pressurized liquids or any leakage from impinging on the power semiconductor rectifier from the top, bottom, or sides in the event of accidental spillage or piping failures.

Subpart 111.35—Electric Propulsion

§ 111.35-1 Electrical propulsion installations.

Each electric propulsion installation must meet sections 35.79, 35.81, 35.83, and 35.84 of the American Bureau of Shipping's "Rules for Building and Classing Steel Vessels".

Subpart 111.40—Panelboards

§ 111.40-1 Panelboard standard.

Each panelboard must meet UL 67, Standard for Panelboards, including the Marine Supplement.

§ 111.40-5 Enclosure.

Each panelboard enclosure must be—

(a) Watertight, if the panelboard is part of a general alarm system; or

(b) Dripproof, if the panelboard is where liquid might drip on it.

§ 111.40-7 Location.

Each panelboard must be accessible but not in—

(a) The weather;

(b) A cargo hold, except a cargo hold on a Roll on/Roll off vessel;

(c) A bunker; or

(d) A storeroom.

§ 111.40-9 Locking device.

The door of each panelboard enclosure that is accessible to any passenger must have a locking device.

§ 111.40-11 Numbered switching unit and panelboard directory.

(a) Each panelboard switching unit must be numbered.

(b) Each panelboard must have—

(1) A circuit directory cardholder; and

(2) A circuit directory that has—

(i) The circuit designation of each circuit;

(ii) A description of the load of each circuit; and

(iii) The rating or setting of the overcurrent protective device for each circuit.

§ 111.40-13 Rating.

Each panelboard must have a current rating not less than the feeder circuit capacity.

§ 111.40-15 Overcurrent device.

The total load on any overcurrent device located in a panelboard must not exceed 80 percent of its rating if, in normal operation, the load will continue for 3 hours or more; except if the assembly, including the overcurrent

device, is rated for continuous duty at 100% of its rating.

Subpart 111.50—Overcurrent Protection

§ 111.50–1 Protection of equipment.

Overcurrent protection of electric equipment must meet the following listed subparts of this chapter:

(a) Appliances, Subpart 111.77.

(b) Generators, Subpart 111.12.

(c) Motors, motor circuits, and controllers, Subpart 111.70.

(d) Transformers, Subpart 111.20.

§ 111.50–3 Protection of conductors.

(a) *Purpose.* The purpose of overcurrent protection for conductors is to open the electric circuit if the current reaches a value that will cause an excessive or dangerous temperature in the conductor or conductor insulation. A grounded conductor is protected from overcurrent if a protective device of a suitable rating or setting is in each ungrounded conductor of the same circuit.

(b) *Overcurrent protection of conductors.* Each conductor must be protected in accordance with its current carrying capacity, except a conductor for the following circuits which must meet the following listed subparts of this chapter:

(1) Propulsion circuits, Subpart 111.35.

(2) Steering circuits, Subpart 111.93.

(3) Motor circuits, Subpart 111.70.

(4) Flexible cord and fixture wire for lighting circuits, Subpart 111.75.

(5) Switchboard circuits, Subpart 111.30.

(c) *Fuses.* If the allowable current-carrying capacity of the conductor does not correspond to a standard size fuse that meets Section 240–6 of the National Electrical Code and the next larger size or rating is used, it must not be larger than 150 percent of the allowable current carrying capacity of the conductor. The effect of heat on the operation of fuses must be taken into consideration in the application of the fuses if they are subjected to extremely low or high temperatures.

(d) *Circuit breakers.* If the allowable current-carrying capacity of the conductor does not correspond to a standard circuit breaker rating that meets Section 240–6 of the National Electrical Code and the next larger rating is used, it must not be larger than 150 percent of the allowable current-carrying capacity of the conductor. The effect of the heat on the operation of thermally controlled circuit breakers must be taken into consideration in the application of these circuit breakers if they are subjected to extremely low or extremely high temperatures.

(e) *Parallel overcurrent protective devices.* An overcurrent protective device must not be connected in parallel with another overcurrent protective device.

(f) *Thermal devices.* A thermal cutout, thermal relay, or other device not designed to open a short circuit, must not be used for protection of a conductor against overcurrent due to a short circuit or ground, except in a motor circuit as described in Article 430 of the National Electrical Code.

(g) *Ungrounded conductors.* A fuse or overcurrent trip unit of a circuit breaker must be in each ungrounded conductor. A branch switch or circuit breaker must open all conductors of the circuit, except grounded conductors.

(h) *Grounded conductor.* An overcurrent device must not be in a permanently grounded conductor, except—

(1) An overcurrent device that simultaneously opens all conductors of the circuit, unless prohibited by § 111.05–17 for the bus-tie feeder connecting the emergency and main switchboards; and

(2) For motor-running protection described in Article 430 of the National Electrical Code.

§ 111.50–5 Location of overcurrent protective devices.

(a) *Location in circuit.* Overcurrent devices must be at the point where the conductor to be protected receives its supply, except as follows:

(1) The generator overcurrent protective device must be on the ship's service generator switchboard. (See § 111.12–11(g) for additional requirements.)

(2) The overcurrent protection for the shore connection conductors must meet § 111.30–25.

(3) If the overcurrent device that protects the larger conductors also protects the smaller conductors, an overcurrent device is not required at the supply to the smaller conductors.

(4) If the overcurrent device protecting the primary side of a single phase transformer (two wire with single-voltage secondary) also protects the conductors connected to the secondary side, as determined by multiplying the current-carrying capacity of the secondary conductor by the secondary to primary transformer voltage ratio, and this protection meets § 111.20–15 of this chapter, an overcurrent device is not required at the supply to the secondary side conductors.

(b) *Location on vessel.* Each overcurrent device—

(1) Must be—

(i) Readily accessible; and

(ii) In a distribution panelboard, switchboard, motor controller, or similar enclosure; and

(2) Must not be—

(i) Exposed to mechanical damage; and

(ii) Near an easily ignitable material or where explosive gas or vapor may accumulate.

§ 111.50–7 Enclosures.

(a) Each enclosure of an overcurrent protective device must meet Sections 240–30 and 240–33 of the National Electrical Code.

(b) No enclosure may be exposed to the weather unless accepted by the Commandant.

§ 111.50–9 Disconnecting and guarding.

Disconnecting and guarding of overcurrent protective devices must meet Part D of Article 240 of the National Electrical Code.

Subpart 111.51—Coordination of Overcurrent Protective Devices

§ 111.51–1 Purpose.

The purpose of this subpart is to provide continuity of service for equipment vital to the propulsion, control or safety of the vessel under short-circuit conditions through coordination and selective operation of overcurrent protective devices.

§ 111.51–3 Protection of vital equipment.

Overcurrent protective devices must be installed so that—

(a) A short-circuit on a circuit that is not vital to the propulsion, control, or safety of the vessel does not trip equipment that is vital; and

(b) A short-circuit on a circuit that is vital to the propulsion, control, or safety of the vessel is cleared only by the protective device that is closest to the point of the short-circuit.

Subpart 111.52—Calculation of Short-Circuit Currents

§ 111.52–1 General.

The available short-circuit must be computed—

(a) From the aggregate contribution of all generators that can simultaneously operate in parallel;

(b) From the largest probable motor load; and

(c) With a three phase fault on the load terminals of the protective device.

§ 111.52–3 Systems below 1500 kilowatts.

The following short-circuit assumptions must be made for a system

with an aggregate generating capacity below 1500 kilowatts, unless detailed computations in accordance with § 111.52–5 are submitted:

(a) The maximum short-circuit current of a direct current system must be assumed to be 10 times the aggregate normal rated generator currents plus six times the aggregate normal rated currents of all motors that may be in operation.

(b) The maximum asymmetrical short-circuit current for an alternating current system must be assumed to be 10 times the aggregate normal rated generator currents plus four times the aggregate normal rated currents of all motors that may be in operation.

(c) The average asymmetrical short-circuit current for an alternating-current system must be assumed to be 8½ times the aggregate normal rated generator currents plus 3½ times the aggregate normal rated currents of all motors that may be in operation.

§ 111.52–5 Systems 1500 kilowatts or above.

Detailed short-circuit calculations must be submitted for systems with an aggregate generating capacity of 1500 kilowatts or more utilizing one of the following calculation methods:

(a) An exact calculation utilizing actual impedances or reactances of the electrical equipment.

(b) An estimated calculation utilizing the Naval Sea Systems Command Design Data Sheet DDS 9620–3, "A.C. Fault Current Calculations."

Subpart 111.53—Fuses

§ 111.53–1 General.

(a) Each fuse must—

(1) Meet Parts E and F of Article 240 of the National Electrical Code;

(2) Have an interrupting rating sufficient to interrupt the maximum asymmetrical RMS short-circuit current at the point of application; and

(3) Be listed by Underwriters Laboratories Inc. or other independent laboratory recognized by the Commandant.

(b) Plug fuses of the Edison-base type and renewable link cartridge-type fuses must not be used.

Subpart 111.54—Circuit Breakers

§ 111.54–1 Circuit breakers.

(a) Each circuit breaker must—

(1) Meet Part G of Article 240 of the National Electrical Code;

(2) Meet Subpart 111.55 of this chapter;

(3) Have an interrupting rating sufficient to interrupt the maximum asymmetrical short-circuit current available at the point of application; and

(4) Be the air type.

(b) Molded case circuit breakers must not be used in circuits having a nominal voltage of more than 600 volts. Each molded case circuit breaker must meet UL 489, except as noted in paragraph (e) of this section.

(c) Circuit breakers, other than the molded case types that are for use in—

(1) An alternating current system having a nominal voltage of 600 volts or less must meet—

(i) ANSI/IEEE Standard C37.13;

(ii) IEEE Standard No. 538; or

(iii) IEEE Standard No. 331.

(2) A direct current system of 3000 volts or less must meet ANSI C37.14; and

(3) An alternating current system having a nominal voltage greater than 600 volts must meet—

(i) ANSI C37.04 including all reference supplements;

(ii) IEEE Standard No. 320 including all referenced supplements; and

(iii) ANSI C37.12.

(d) A circuit breaker must not—

(1) Be dependent upon mechanical cooling to operate within its rating; or

(2) Have a long-time-delay trip element set above the continuous current rating of the trip element or of the circuit breaker frame.

(e) Each circuit breaker located in an engineroom, boilerroom, or machinery space must be calibrated for a 50 degree C ambient temperature. If the circuit breaker is located in an environmentally controlled machinery control room where provisions are made for ensuring an ambient temperature of 40 degree C or less, a circuit breaker must have at least the standard 40 degrees C ambient temperature calibration.

Subpart 111.55—Switches

§ 111.55–1 General.

(a) Each switch must meet Article 380 of the National Electrical Code.

(b) Each switch that is in the weather must be in a watertight enclosure and be externally operable.

§ 111.55–3 Circuit connections.

The load side of each circuit must be connected to the fuse end of a fused-switch or to the coil end of a circuit breaker, except a generator which is connected to either end of a circuit breaker.

§ 111.55–5 Knife switches.

Each knife switch must meet UL 363.

§ 111.55–7 Snap switches.

Each snap switch must meet UL 20.

§ 111.55–9 Enclosed switches.

Each enclosed switch must meet UL 98.

Subpart 111.57—Current-Limiting Devices

§ 111.57–1 Current-limiting device requirements.

(a) The maximum peak let-through current (Ip) of a current-limiting device that protects an overcurrent device must not be greater than 90 percent of the peak current which the overcurrent device can withstand (Iw). This can be expressed by the formula:

$Ip < Iw \times 0.9$ amperes

where

$Iw = Irms \times K$ amperes

Irms = Symmetrical RMS short circuit current rating of the overcurrent device being protected

K = Ratio of maximum instantaneous peak amperage in one phase during the first cycle after short-circuit occurs to the symmetrical RMS short-circuit current the circuit breaker was tested at.

(b) Current-limiting devices must open in a maximum of ½ cycle, or the let-through energy (I^2t) must not be greater than that given by the following formula:

$I^2t < (Irms)^2 \times 0.01$ ampere^2 sec

(c) The values used in paragraphs (a) and (b) of this section are to be obtained as follows:

(1) "Ip" and "I^2t" from fuse manufacturer's curves.

(2) "Irms" from circuit breaker nameplate data.

(3) "K" of molded case circuit breakers meeting the requirments of UL 489 are as follows:

CIRCUIT BREAKER INTERRUPTING

Rating (amperes)	K
10,000 or less	1.61
10,001 to 20,000	1.91
Over 20,000	2.14

(4) "K" of low voltage power curcuit breakers meeting ANSI/IEEE Standard C37.13 is 2.3.

(d) Current-limiting fuses in a three-phase motor circuit must be interlocked to prevent single-phase operation of the three-phase motor.

Note.—A fused circuit breaker using current-limiting fuses meeting the requirements of UL 489, Standard for Molded Case Circuit Breakers or IEEE standard No. 538, Low Voltage AC Integrally Fused Power Circuit Breakers for such a combination can be considered as satisfactorily meeting paragraphs (a) and (b) of this section.

Subpart 111.59—Busways

§ 111.59–1 General.

Each busway must meet—

(a) Article 364 of the National Electrical Code; and

(b) UL 857.

§ 111.59–3 No mechanical cooling.

A busway must need mechanical cooling to operate within its rating.

Subpart 111.60—Wiring Materials and Methods

§ 111.60–1 Cable construction and testing.

Each cable must meet section 18 of IEEE Standard No. 45 or be one of the following exceptions:

(a) Electric cable constructed in accordance with Military Specification MIL–C–915 if—

(1) It is substituted for the equivalent IEEE Standard No. 45 cable type or is a thermocouple or pyrometer cable;

(2) The particular type of cable can pass the flammability test contained in section 18.13.5 of IEEE Standard No. 45; and

(3) The maximum current for any conductor does not exceed the current carrying capacities specified in NAVSEA Design Data Sheet DDS 304–2.

(b) Electric cable which has a polyvinyl chloride insulation with a nylon jacket (Type N), if it meets the requirements for polyvinyl chloride insulated cable in Section 18 of IEEE Standard No. 45 except—

(1) The thickness of the polyvinyl chloride insulation must meet UL 83 for type THWN wire;

(2) Each conductor must have a nylon jacket;

(3) The thickness of the nylon jacket must meet UL 83 for type THWN wire;

(4) The material of the nylon jacket must meet ASTM D789 Type VIII; and

(5) The cable must have identification provided by a durable printing or embossing on the cable jacket, or a marker under the cable jacket that, at intervals not exceeding 24 inches (610 mm), gives—

(i) The information required by Section 18.8 of IEEE Standard No. 45;

(ii) The information required by Section 310–11 of the NEC; or

(iii) The manufacturer's name, identification code, voltage rating, number of conductors, and conductor size.

(c) Cable constructed in accordance with other standards if accepted for specific applications by the Commandant.

§ 111.60–3 Cable application.

(a) Cable application must meet Section 19 except 19.6.1 and 19.6.4 of IEEE Standard No. 45.

(b) Cable application of Type N Cable must meet Section 19 of IEEE Standard No. 45 for polyvinyl chloride insulated cable.

§ 111.60–4 Minimum cable conductor size.

(a) Each cable conductor must be No. 18 AWG (0.82 mm^2) or larger except—

(1) Each power and lighting cable conductor must be No. 14 AWG (2.08 mm^2) or larger; and

(2) Each thermocouple or pyrometer cable conductor must be No. 22 AWG (0.33 mm^2) or larger.

§ 111.60–5 Cable installation.

(a) Each cable installation must meet Sections 20 and 22, except 20.11, of IEEE Standard No. 45.

(b) Cable must not be located in any tanks except to supply equipment or instrumentation specially designed for and compatible with such location and whose function require its installation in the tank. The cable must be compatible with the liquid or gas in the tank or be protected by an enclosure.

§ 111.60–7 Demand loads.

Generator, feeder, and bus-tie cables must be selected on the basis of a computed load of not less than the demand load given in Table 111.60–7.

TABLE 111.60–7—DEMAND LOADS

Type of circuit	Demand load
Generator cables	115 percent of continuous generator rating.
Switchboard bus-tie, except ship's service to emergency switchboard bus-tie	75 percent of generating capacity of the larger switchboard.
Emergency switchboard bus-tie	115 percent of continuous rating of emergency generator.
Motor feeders	Article 430, National Electrical Code.
Galley equipment feeder	100 percent of either the first 50 KW or one-half the connected load, whichever is the larger, plus 65 percent of the remaining connected load, plus 50 percent of the rating of the spare switches or circuit breakers on the distribution panel.
Lighting feeder	100 percent of the connected load plus the average active circuit load for the spare switches or circuit breakers on the distribution panels.
Grounded neutral of a dual voltage feeder	100 percent of the capacity of the ungrounded conductors when grounded natural is not protected by a circuit breaker overcurrent trip, or not less than 50 percent of the capacity of the ungrounded conductors when the grounded neutral is protected by a circuit breaker overcurrent trip or overcurrent alarm.

§ 111.60–9 Segregation of vital circuits.

(a) *General.* A branch circuit that supplies equipment vital to the propulsion, control, or safety of the vessel must not supply any other equipment.

(b) *Passenger vessels.* (1) Each passenger vessel with firescreen bulkheads that form main fire zones must have distribution systems arranged so that fire in a main fire zone does not interfere with essential services in another main fire zone.

(2) Main and emergency feeders passing through a main fire zone must be separated vertically and horizontally as much as practicable.

§ 111.60–11 Wire.

(a) Wire must be in an enclosure.

(b) Wire must be of the stranded type.

(c) Wire in a lighting fixture must meet UL 595.

(d) Switchboard wire must meet Subpart 111.30.

(e) Wire, except in lighting fixtures and switchboards, must meet—

(1) MIL–W–76;

(2) MIL–W–16878 type B, C, D, E, EE, or FF;

(3) UL 44; or

(4) UL 83.

(f) The installation of wire that meets UL 44 or UL 83 must meet Tables 310–16 and 310–17 of the National Electrical Code.

(g) Each wire must be No. 18 AWG (0.82 mm^2) or larger, except in switchboards where it must be No. 14 AWG (2.08 mm^2) or larger.

§ 111.60–13 Flexible electric cord and cables.

(a) *Construction and testing.* Each flexible electric cord and cable must meet—

(1) UL 62;

(2) NEMA WC 3;

(3) NEMA WC 8; or

(4) MIL–C–915.

(b) *Application.* A flexible cord must be used—

(1) Only as allowed under Sections 400–7 and 400–8 of the National Electrical Code; and

(2) In accordance with Table 400–4 of the National Electrical Code.

(c) *Allowable current-carrying capacity.* A flexible cord must not carry more current than allowed under Table 400–5 of the National Electrical Code, NEMA WC 3 or NEMA WC 8.

(d) *Conductor size.* Each flexible cord must be No. 18 AWG (0.82 mm^2) or larger.

(e) *Splices.* Each flexible cord and cable must be without splices or taps except for a cord or cable No. 12 AWG (3.3 mm^2) or larger spliced for repairs in accordance with § 111.60–19.

(f) *Pull at joints and terminals.* Each flexible cord and cable must be connected to a device or fitting by a knot, tape, or special fitting so that tension is not transmitted to joints or terminal screws.

§ 111.60–17 Connections and terminations.

(a) Each connection to a conductor or terminal part of a conductor that is larger than No. 10 AWG (5.3 mm^2) must be made within an exclosure and have—

(1) A pressure-type connector on each conductor;

(2) A solder lug on each conductor;

(3) A splice made with a pressure-type connector to a flexible lead or conductor; or

(4) A splice that is soldered, brazed, or welded to a flexible lead or conductor.

(b) Each connection to a conductor or a terminal part of a conductor that is No. 10 AWG (5.3 mm^2) or smaller must be made within an exclosure and—

(1) Meet paragraph (a) of this section; or

(2) Have clamps or screws with terminal plates that have up turned lugs or other suitable means to capture the terminal.

(c) A connector or lug of the set screw type must not be used with stranded conductors smaller than No. 14 AWG (2.1 mm^2) except if there is a nonrotating follower that travels with the setscrew and makes pressure contact with the conductor.

(d) Each pressure-type wire connector and lug must meet UL 486A.

(e) Each terminal block must have 6–32 terminal screws or larger and spacings that meet Table 111.60–17(e).

TABLE 111.60–17(E).—TERMINAL BLOCK SPACINGS IN INCHES (MILLIMETERS)

Voltage	Minimum spacing between opposite polarity and between live parts and ground	
	Through air	Over surface
0 to 250	¼ (6.4)	⅜ (9.5)
251 to 600	⅜ (9.5)	⅜ (9.5)

(f) Wire connectors utilized in conjunction with screw-type terminal blocks must be of the captive type such as the ring or the flanged spade type.

§ 111.60–19 Cable splices.

(a) A cable must not be spliced except:

(1) A cable installed in a subassembly spliced to a cable installed in another subassembly.

(2) For a vessel receiving alterations, a cable spliced to extend a circuit.

(3) A cable having a large size or exceptional length spliced to facilitate its installation.

(4) A cable spliced to replace a damaged section of the cable if, before replacing the damaged section, the insulation resistance of the remainder of the cable is measured and it is determined that the condition of the insulation is unimpaired.

(b) Each cable splice must be made by a qualified person with a one cycle compression tool and must have the following:

(1) A pressure-type butt connector that meets UL 486A.

(2) Replacement insulation that has—

(i) The same or greater thickness than that of the cable insulation;

(ii) Electrical properties that are the same as or better than the electrical properties of the cable insulation; and

(iii) A heat transfer capability that is the same as or better than that of the original cable insulation.

(3) A watertight replacement jacket that is heat shrinkable or prestretched tubing of the same or a greater thickness than that of the cable jacket and that has properties that are the same as or better than those of the cable jacket. This includes meeting the jacket requirements of section 18.9 and Tables A11 and A12 of IEEE Standard No. 45.

(4) For armored cable, replacement armor or a jumper that connects to the cable armor on each side of the splice and that maintains the electrical continuity of the cable armor.

(c) All material in a cable splice must be chemically compatible with all other material in the splice and with the materials of the cable.

(d) A cable must not be spliced in a hazardous location using the method of this section except in intrinsically safe circuits.

§ 111.60–21 Cable insulation tests.

All electric power and lighting cable and associated equipment must be checked for proper insulation resistance to ground and between conductors. The insulation resistance must not be less than that in paragraph 46.2.1 of IEEE Standard No. 45.

Subpart 111.70—Motor Circuits, Controllers and Protection

§ 111.70–1 General.

(a) Each motor circuit, controller, and protection must meet Article 430 of the National Electrical Code, except—

(1) Each fire pump motor circuit and protection must meet the same requirements in the National Electrical Code as each other motor circuit in lieu of the protection requirements contained in the fire pump portions of sections 430–31 and 430–72;

(2) Each steering gear motor circuit and protection must meet Subpart 111.93 of this chapter; and

(3) Each propulsion motor circuit and protection must meet Subpart 111.35 of this chapter;

(b) In three phase alternating-current systems, only two motor-running protective devices need be utilized in any two ungrounded conductors in lieu of the three specified by Table 430–37 of the National Electrical Code except when a wye-delta or a delta-wye transformer is utilized.

(c) The motor disconnecting means must be an externally operable switch or circuit breaker.

§ 111.70–3 Motor controllers and motor control centers.

(a) *General.* Each controlling apparatus, except for those installed in a compartment meeting the requirements of paragraph (b) must be protected by an enclosure case that is either dripproof or watertight, depending on its location. Indoor metal enclosed switchgear must be installed in dry locations. If there is a cable entrance plate in a watertight enclosure or in the top of a dripproof enclosure, the plate must be a least ⅛ inch (3.18 mm) thick and have a gasket. Each watertight enclosure must have external feet or lugs for mounting.

(b) *Open type.* A control apparatus of the open type must—

(1) Be in a compartment or enclosure that is—

(i) Only for electric control equipment; and

(ii) Accessible only to qualified persons; or—

(2) Have screens or guardrails, if the compartment in which it is installed is used for other apparatus and the location of the open controller is where it is subject to accidental contact.

(c) *Hinged doors.* Each controller hinged door with a height greater than 45 inches (1.14 m), or a width greater than 24 inches (0.6 m) must have door positioners and stops. Equipment mounted on a hinged door must be constructed or shielded so that no live part of the door-mounted equipment is exposed to accidental contact by a person when the door is open and the circuit energized.

(d) *Construction.* Each motor controller for use at 600 volts or less must meet UL 508, including the marine supplement. Each motor controller for use above 600 volts must meet UL 347. Each motor control center must meet UL 845.

(e) *Wearing parts.* Each wearing part of a controller must be accessible for inspection and renewal.

(f) *Low voltage release.* Each motor controller for a fire pump, elevator, steering gear, or auxiliary that is vital to the vessel's propulsion system, except a motor controller for a vital propulsion auxiliary that can be restarted from a central control station, must have low voltage release if automatic restart after a voltage failure is not hazardous. If automatic restart is hazardous, the motor controller must have low voltage protection. Motor controllers for other motors must not have low voltage release unless the starting current and the short-time sustained current of the additional low voltage release load is within the capacity of one generator.

Note.—Automatic sequential starting of low voltage release controllers is acceptable to meet this requirement.

(g) *Low voltage protection.* Each motor controller must have low voltage protection, except—

(1) A motor controller that has low voltage release under paragraph (f) of this section; and

(2) A motor controller for a motor of less than 2 horsepower (1.5 kw).

(h) *Identification of controllers.* In addition to the markings required by UL Standards referenced in paragraph (d) of this section, each controller must—

(1) Identify on the external surface of its enclosure the motor that it controls; and

(2) Contain a durable heat-resistant elementary wiring diagram of the controller fixed to the inside of its door.

(i) *Manually-operated controllers.* Each manually-operated controller must operate without the operator opening the enclosed case. In each panel-type manually-operated controller, the starting arm must be arranged so that the motor stops if the arm is left on a starting point. In each regulating drum controller, the resistor must be proportioned for the duty cycle.

(j) *Alternating-current manual autostarters.* Each alternating-current manual autostarter with a self-contained autotransformer must have a switch of the quick-make-and-break type, and the starter must be arranged so that it is impossible for an operator to throw the switch to the running position without having first thrown the switch to the starting position. If oil is necessary, the starter must not leak when tilted to an angle of 30 degrees and must be constructed to prevent the liquid from splashing out due to the rolling of the vessel.

(k) *Heel angle.* Each controller contactor must be designed for satisfactory operation at a 22.5 degree angle of inclination in any direction, and any controller that utilizes liquid must not leak when inclined at a 30 degree angle.

§ 111.70–5 Heater circuits.

(a) If an enclosure for a motor, master switch, or other equipment, except a motor controller, has an electric heater inside the enclosure that is energized from a separate circuit, the heater circuit must be disconnected from its source of potential by a disconnect device independent of the enclosure containing the heater. The heater disconnecting device must be adjacent to the equipment disconnect device, and a fixed sign, warning the operator to open both devices, must be on the enclosure of the equipment disconnect device except as provided in paragraph (b) of this section.

(b) If the location of the enclosure for a motor, master switch, or other equipment for deck machinery is remote from the motor and controller disconnect device, a sign must be fixed to the enclosure if the disconnect arrangement required by paragraph (a) of this section is not used. The sign must warn the operator of the presence of two sources of potential within the enclosure and show the location of the heater circuit disconnect device.

§ 111.70–7 Remote control, interlock, and indicator circuits.

(a) *Overcurrent protection.* A conductor of a control, interlock, or indicator circuit of a motor controller must be protected against overcurrent unless—

(1) The conductor is wholly within the controller enclosure;

(2) The rating or setting of the branch circuit overcurrent device is not more than 300 percent of the current-carrying capacity of the control, interlock, or indicator circuit conductor;

(3) There is an overcurrent device in each side of the line that has a rating or setting of not more than 300 percent of the current-carrying capacity of the control, electrical interlock, or indicator circuit conductor, except if under operating conditions there is no appreciable difference in potential between the external conductors, overcurrent protection need only be at the supply of that side of the line; or

(4) The opening of the control, interlock, or indicator circuit creates a hazard.

Note.—For overcurrent protection of steering gear control and indicator circuits, see Subpart 111.93 of this chapter.

(b) *Accidental ground.* The controller must be designed to prevent an accidental ground in a remote control circuit from causing the stop switches to fail to operate or causing the motor to start.

(c) *Source of potential.* The potential for a control, interlock, or indicator circuit must be derived from the load side of the motor and controller disconnect device, except if the control functions require circuits that must be common to two or more controllers, the switching arrangement in paragraph (d) of this section must be met.

(d) *Switching.* In the design of a control, interlock, or indicator circuit, all practicable steps must be taken to eliminate all but one source of potential in an enclosure. If the control functions make it impracticable to energize a control interlock or indicator circuit from the load side of a motor and controller disconnect device and the potential of the control, interlock, or indicator circuit is more than 24 volts, there must be one of the following alternative methods of switching:

(1) Each conductor of a control, interlock, or indicator circuit must be disconnected from all sources of potential by a disconnect device independent of the motor and controller disconnect device. The two independent devices must be adjacent to each other, and a fixed sign, warning the operator to open both devices to disconnect completely the motor and controller, must be on the exterior of the door of the main disconnect device.

(2) Each conductor of a control, interlock or indicator circuit must be disconnected from all sources of potential by a disconnect device actuated by the opening of the controller

door. The disconnect device and its connections, including each terminal block for terminating the vessel's wiring, must not have any electrically uninsulated or unshielded surface.

Subpart 111.75—Lighting Circuits and Protection

§ 111.75-1 Lighting feeders.

(a) *Passenger vessels.* On a passenger vessel with firescreen bulkheads forming fire zones, the lighting distribution system must be arranged so that, to the extent possible, a fire in any main fire zone does not interfere with the lighting in any other main fire zone. This requirement is met if main and emergency feeders passing through any zone are separated both vertically and horizontally as widely as practicable.

(b) *Machinery spaces.* Lighting for enginerooms, boilerrooms, and auxiliary machinery spaces must be supplied from two or more feeders. One of these feeders must be a ship's service feeder.

(c) *Cargo spaces.* There must be separate feeders for cargo space lighting. Distribution panels must be outside cargo spaces except on roll on/roll off vessels.

Note.—Special requirements for emergency lighting, feeders, and branch circuits are in Subpart 112.43 of this chapter.

§ 111.75-5 Lighting branch circuits.

(a) *Loads.* A lighting distribution panel must not supply branch circuits rated at over 30 amperes.

(b) *Voltages.* A lighting branch circuit voltage must not exceed 150 volts to ground, except a cargo hold or deck lighting branch circuit supplying only the ballasts of electric-discharge lamps mounted in permanently installed fixtures which must not exceed 500 volts between conductors.

(c) *Connected load.* The connected load on a lighting branch circuit must not be more than 80 percent of the rating of the overcurrent protective device, computed on the basis of the lamp sizes, but must be at least 50 watts for each outlet unless the design of the fixture prevents the use of a lamp of a higher wattage than the original lamp. Each circuit supplying electric discharge type lamps must be computed on the basis of ballast input current. A receptacle outlet for the convenience of passengers or crew to which no ship's service apparatus such as a room fan, desk lamp, or table lamp is connected, is not considered connected load.

(d) *Lighting fixtures on lighting circuits.* Each lighting fixture must be on a lighting branch circuit.

(e) *Overcurrent protection.* Each lighting branch circuit must be protected by an overcurrent device rated at 20 amperes or less, except as allowed under paragraph (f) of this section. Each lighting branch circuit with an overcurrent device rated or set at—

(1) 15 amperes or less must have a No. 14 AWG (2.1 mm^2) or larger branch circuit conductor and fixture wire or flexible cord in each lighting fixture of No. 18 AWG (0.82 mm^2) or larger; and

(2) 20 amperes must have a No. 12 AWG (3.3 mm^2) or larger branch circuit conductor and fixture wire or flexible cord in each lighting fixture of No. 14 AWG (2.1 mm^2) or larger.

(f) *25 or 30 ampere lighting branch circuits.* Lighting branch circuits rated at 25 and 30 amperes supplying only fixed nonswitched lighting fixtures for cargo hold or deck lighting having only lampholders of the mogul type, or other lampholding devices required for lamps of more than 300 watts, may be supplied by a 30 ampere branch circuit wired with at least No. 10 AWG (5.3 mm^2) conductors if each fixture wire used in wiring each lighting fixture is No. 12 AWG (3.3 mm^2) or larger.

(g) *Connections to screw-shell lampholders.* On each branch circuit with a grounded conductor, the screw shell of each lampholder must be connected to the grounded neutral.

§ 111.75-15 Lighting requirements.

(a) *Lights in passageways, public spaces, and berthing compartments.* The supply to lights in each passageway, public space, or berthing compartment accommodating more than 25 persons must be divided between two or more branch circuits, one of which may be an emergency branch circuit.

(b) *Lights in machinery spaces.* Alternate groups of lights in an engineroom, boilerroom, or auxiliary machinery space must be arranged so that the failure of one branch circuit does not leave an area without light.

(c) *Illumination of passenger and crew spaces.* Each space used by passengers or crew must have illumination that is sufficient for reading .125 in (3.2 mm) print throughout the normally occupied areas.

(d) *Berth lights.* Each crew berth must have a fixed berth light that is not wired with a flexible cord. The berth light must have minimum horizontal projection so that the light may not be covered with bedding.

(e) *Exit lights.* Each exit light required on passenger vessels under § 112.15-1 of this subchapter must have the word "Exit" in red block letters at least 2 inches (50 mm) high.

(f) *Pilot ladders.* There must be a means for lighting each station from which a pilot may be deployed.

§ 111.75-16 Lifeboat and liferaft floodlights.

Each vessel must have floodlights for illumination of lifeboat and liferaft launching that meet the following requirements:

(a) Floodlights must be where they can be directed to illuminate launching devices and the area for launching, from the stowage position to the water.

(b) Each floodlight must—

(1) Have a manual means of training that does not need tools;

(2) Connect to the supply circuit by a short length of Type S or Type SO flexible cord without the use of a receptacle outlet; and

(3) Be supplied from the emergency source of lighting and power.

§ 111.75-17 Navigation lights.

Each navigation light system must meet the following:

(a) *Feeders.* On vessels required to have a final emergency power source by § 112.05-5(a) of this chapter, each navigation light panel must be supplied by a feeder from the emergency switchboard (see § 112.43-13). The feeder must be protected by overcurrent devices rated or set at a value of at least twice that of the navigation light panel main fuses.

(b) *Navigation light indicator panel.* Each self-propelled vessel must have a navigation light indicator panel in the wheelhouse to control side, masthead, stern, and range lights. The panel must visually and audibly signal the failure of each of these navigation lights. Each light source must be connected to a separate fused branch circuit. The panel must have a fused feeder disconnect switch, and the fuses must have at least twice the rating of the largest branch circuit fuse and must be greater than the maximum panel load.

(c) *Dual light sources.* Each self-propelled vessel must have duplicate light sources for the side, masthead, stern, and range lights.

(d) *Navigation lights.* Each navigation light must—

(1) Be of a type approved by the Commandant;

(2) Meet the technical details in the applicable navigation rules;

(3) Meet UL 1104; and

(4) If it is a flashing light, have its intensity determined by the formula:

$$Ie = G/(0.2 + t2 - t1)$$

Where

Ie = Luminous Intensity.

G = Integral of Idt evaluated between the limits of t1 and t2.

t1 = Time in seconds of the beginning of the flash.

t2 = Time in seconds of the end of the flash.

I=Instantaneous intensity during the flash.

Note.—The limits, t1 and t2, are to be chosen so as to maximize Ie.

(e) *Installation of navigation lights.* Each navigation light must—

(1) Be installed so that its location and its angle of visibility meet the applicable navigation rules;

(2) Except as permitted by the applicable navigation rules, be arranged so that light from a navigation light is not obstructed by any part of; the vessel's structure or rigging;

(3) Be wired by a short length of heavy-duty, flexible cable to a watertight receptacle outlet next to the light; and

(4) If is a double lens, two-lamp type, have each lamp connected to its branch circuit conductors by an individual flexible cable and receptacle plug.

(f) *Light screens.* Light screens must meet the applicable navigation rules.

§ 111.75-18 Signaling lights.

(a) Each self-propelled vessel of 300 gross tons and over on an international voyage must have a daylight signaling light that meets the following:

(1) The signaling light must produce a narrow, high intensity beam of light for daylight blinker communication at speeds up to 180 dots or dashes per minute.

(2) The axial luminous intensity of the beam must be at least 60,000 candelas.

(3) The luminous intensity of the beam in every direction within an angle of 0.7 degree from the axial must be at least 50 percent of the axial luminous intensity.

(4) The signaling light must have a sighting arrangement that the operator can use to direct the beam to the receiving station.

(5) Signaling must be by keying the current through the lamp or by movement of shutters.

(6) Each signaling light must be—

(i) A fixed unit mounted on the top of the wheelhouse;

(ii) A semi-fixed unit with arrangements for quick mounting at either wing of the navigating bridge; or

(iii) A portable unit.

(7) Each fixed or semi-fixed signaling light must be energized from the emergency lighting and power system. Each portable signaling light must be energized from a self-contained storage battery that can operate the light continuously for two hours without recharging.

(b) Each self-propelled vessel of over 150 gross tons and less than 300 gross tons on an international voyage must have—

(1) A daylight signaling light that meets the requirements of § 111.75-18(a); or

(2) A hand held portable light of at least 60,000 candelas with a means for rapidly switching on and off and energized from a self-contained storage battery that can operate the light continuously for two hours without recharging.

§ 111.75-20 Lighting fixtures.

(a) The construction of each lighting fixture must meet UL 595.

(b) Each fixture globe, lens, or diffuser must have a high strength guard or be made of high strength material, except in an accommodation space, wheelhouse, gyro room, radio room, galley, or similar space where it is not subject to damage.

(c) No fixture may be used as a connection box for a circuit other than the branch circuit supplying the fixture.

(d) Lighting fixtures must be installed as follows:

(1) Each fixture in the weather or in a location exposed to splashing water must be watertight. Each fixture in a damp or wet location must at least be dripproof.

(2) Each fixture and lampholder must be fixed. A fixture must not be supported by the screw shell of a lampholder.

(3) Each pendent-type fixture must be suspended by and supplied through a threaded, rigid conduit stem.

(4) Each tablelamp, desklamp, floorlamp, and similar equipment must be secured in place so that it cannot be displaced by the roll or pitch of the vessel.

Subpart 111.77—Appliances and Appliance Circuits

§ 111.77-1 Overcurrent protection.

If a circuit supplies only one appliance or device, the rating or setting of the branch circuit overcurrent device must not be more than 150 percent of the rating of the appliance or device, or 15 amperes, whichever is greater.

§ 111.77-3 Electric cooking equipment.

(a) Each item of electric cooking equipment must meet UL 197, including the Marine Supplement.

(b) All equipment must be mounted to prevent dislodgment by roll or pitch.

§ 111.77-5 Electric motor-operated appliances.

(a) Each electric motor-operated appliance must meet UL 73.

(b) Each electric motor-operated commissary appliance motor and controller in a damp or wet location must be—

(1) in a watertight enclosure; or

(2) totally enclosed.

§ 111.77-7 Dishwashers.

Each dishwasher must meet UL 749 or UL 921.

§ 111.77-9 Refrigerators.

Each refrigerator must meet UL 250 or UL 471.

§ 111.77-11 Refrigerated drinking water coolers.

Each refrigerated drinking water cooler must meet UL 399.

Subpart 111.79—Receptacles

§ 111.79-1 Receptacle outlets; general.

(a) There must be enough receptable outlets throughout the crew's accommodations for electric razors, radios, and similar items.

(b) There must be enough receptacle outlets throughout each machinery space for lighting any machine that is necessary for the operation of the vessel with a portable light having a 75 foot (24 m) flexible cord.

(c) The rating of each receptacle must meet Section 210-21 of the National Electrical Code.

(d) Each interior unit of a receptacle outlet or plug must meet UL 498.

§ 111.79-3 Grounding pole.

Each receptacle outlet that operates at 100 volts or more must have a grounding pole.

§ 111.79-5 Damp or wet locations and weather locations.

(a) Each receptacle outlet in a damp or wet location must be designed so that when the plug is in, the plug is held in positive contact and establishes and maintains a watertight enclosure.

(b) Each receptacle outlet in a damp or wet location must be designed so that, when the plug is not in, the plug opening may be closed to establish and maintain a watertight enclosure. If a threaded cap is used for this purpose, the cap must be mechanically fastened to the cover or enclosure by a link or hinged strap.

(c) Each receptacle outlet and plug in a damp or wet location must be made of corrosion-resistant materials or of materials with corrosion-resistant finishes, except that a receptacle outlet or plug for a corrosive location must be made of corrosion-resistant materials.

(d) Each receptacle outlet in a location in the weather must be designed so that, with the plug opening uncovered, water does not collect in the interior of the box.

§ 111.79-7 No live parts.

A receptacle outlet in a location that is accessible to other than a qualified

person must not have any exposed live parts with the plug opening uncovered. Each screw, rivet, contact, or similar item that is accessible and in electrical connection with any live metal part, must be connected in a hole not more than 9/32 in. (7.2 mm) in diameter and recessed at least 3/16 in. (4.8 mm).

§ 111.79-9 Transmitting power between receptacles.

(a) If it is necessary to transmit current in one direction between two receptacle outlets by a flexible cable with a plug on each end, such as a battery charging lead between a receptacle outlet on a ship and a receptacle outlet in a lifeboat, the plug that may be energized when not in the receptacle outlet must be female.

(b) If a receptacle outlet may be used as a source of power and as a receiver of power, such as the receptacles on barges that may have to supply power to adjoining barges in some makeup and receive power from the towboat or adjoining barge in other makeups, the receptacles must be male and reverse service. Plugs of flexible cable must be female and must be at both ends of the flexible lead. The female plug must meet § 111.79-7.

§ 111.79-11 Lifeboat receptacles.

Each receptacle outlet on a lifeboat for connection to a vessel's electrical system must allow the plug to pull free when the lifeboat is lowered.

§ 111.79-13 Different potentials on a vessel.

If receptacle outlets on a vessel are supplied by different potentials or by different types of potentials, each receptacle outlet must preclude the plugging of a portable device into a receptacle outlet of an incompatible potential.

§ 111.79-15 Receptacles for refrigerated containers.

Receptacles for refrigerated containers must meet one of the following:

(a) Each receptacle for refrigerated containers must have a switch interlocked in such a way that the receptacle's contacts are deenergized before the making or breaking of the connection between the plug and receptacle contacts.

(b) Each group of receptacles for refrigerated containers must have—

(1) A switch near the receptacles that disconnects all power to those receptacles; and

(2) A sign stating that the switch should be opened before cables are disconnected from the receptacles or refrigerated containers.

(c) Each receptacle for refrigerated containers must be designed for circuit breaking service.

Subpart 111.81—Outlet Boxes and Junction Boxes

§ 111.81-1 Outlet boxes and junction boxes: general.

(a) The requirements of this subpart apply to each outlet box used with a lighting fixture, wiring device, or similar item, including each separately installed connection and junction box.

(b) An outlet box must be at each outlet, switch, receptacle, or junction point.

(c) Each outlet or junction box must have a cover unless a fixture canopy, switch cover, receptacle cover, or other cover is used.

§ 111.81-3 Cables entering boxes.

Each cable entering a box or fitting must be protected from abrasion and must meet the following:

(a) Each opening through which a conductor enters must be closed.

(b) Cable armor must be secured to the box or fitting.

(c) Each cable entrance in a damp or wet location must be made watertight by a terminal or stuffing tube.

§ 111.81-5 National Electrical Code.

Each outlet box and junction box installation must meet Section 370-6 of the National Electrical Code.

§ 111.81-7 Degree of enclosure.

Each outlet box in a damp or wet location must be watertight.

§ 111.81-9 Mounting.

(a) Each outlet box must be fixed.

(b) Each watertight outlet box must have external mounting feet.

§ 111.81-11 Penetration of walls.

A hole in a wall of a watertight outlet box for the attachment of a part on the exterior or interior of the box, for securing the cover, or similar purpose, must not penetrate the total thickness of the box wall.

§ 111.81-13 Construction.

(a) The construction of each box must meet UL 50 or UL 514.

(b) A sheet steel outlet box must not be installed in a corrosive location.

Subpart 111.83—Shore Connection Boxes

§ 111.83-1 General.

Each shore connection box must be of a size that accommodates the connections of the flexible and fixed cables.

§ 111.83-3 Spacing: Live parts and live parts and ground.

(a) The minimum spacing between live parts and between live parts and ground in each shore connection box must meet Section 384-26 of the National Electrical Code.

(b) A cable lug must not rotate.

(c) Paragraph (b) of this section must be met by means other than friction between parts.

§ 111.83-5 Bottom entrance and protected enclosures.

Each shore connection box must have a bottom entrance for the shore connection cable. The box must provide protection to the shore connection when the connection is in use.

Subpart 111.85—Electric Oil Immersion Heaters

§ 111.85-1 Electric oil immersion heaters.

Each oil immersion heater must have the following:

(a) An operating thermostat.

(b) Heating elements that have no electrical contact with the oil.

(c) A high temperature limiting device that—

(1) Opens all conductors to the heater;

(2) Is manually reset; and

(3) Actuates at a temperature below the flashpoint of the oil.

(d) A low fluid level device that, if not submerged, opens all conductors to the heater, or a flow device that opens all conductors to the heater if there is inadequate flow.

Subpart 111.87—Electric Air Heating Equipment

§ 111.87-1 Applicability.

This subpart applies to electrically energized units or panels for heating a room or compartment. This subpart does not apply to electrically energized units for heating the air in an enclosed apparatus, such as a motor or controller.

§ 111.87-3 General requirements.

(a) Each electric heater must meet UL 1025 except—

(1) Each electric baseboard heater must meet UL 1042; and

(2) Each electric duct heater must meet UL 1096.

(b) Each heater element must be an enclosed type. The heater element case or jacket must be of a corrosion-resistant material.

(c) Each heater must have a thermal cutout of the manually-reset type that prevents overheating and must have a thermal regulating switch.

(d) Each heater for bulkhead mounting must have its top slanted or otherwise

designed to prevent hanging anything on the heater. If a heater is portable, it must have a clip or bracket to hold the heater in a fixed position.

(e) The external temperature of a heater enclosing case must not be over 125 degrees C, except that the external temperature of the enclosing case of a flush-mounted heater must not be over 100 degrees C. If a heater is mounted on or next to a deck or bulkhead, the heater must not cause the temperature of the nearest deck or bulkhead to be over 55 degrees C. For test purposes, an ambient temperature of 25 degrees C must be used.

Subpart 111.89—Motion Picture Projectors

§ 111.89-1 Motion picture projectors.

Each motion picture projector must be installed to meet Article 540 of the National Electrical Code.

Subpart 111.91—Elevators and Dumbwaiters

§ 111.91-1 Control and interlock circuits.

Each electric control and interlock circuit of an elevator or dumbwaiter must meet ANSI A17.1.

§ 111.91-3 Control switches.

The construction of each control switch must meet UL 104.

Subpart 111.93—Electric Steering Systems

§ 111.93-1 Applicability.

This subpart applies to each steering gear installation that has—

(a) A main steering gear that is electrically powered;

(b) An auxiliary steering gear that is electrically powered; or

(c) A steering gear control system that is electric or partially electric.

§ 111.93-3 Definitions.

As used in this subpart—

(a) "Steering gear" means the machinery, the power units and ancillary equipment, and the means of applying torque to the rudder stock, tiller, or quadrant necessary for effecting movement of the rudder for the purpose of steering the ship under normal operating conditions.

(b) "Power unit" means—

(1) In the case of an electric steering gear, an electric motor and its associated electrical equipment such as the motor controller and disconnect switch; and

(2) In the case of an electro-hydraulic steering gear, an electric motor, connected pump, and its associated electrical equipment such as the motor controller and disconnect switch.

(c) "Control system" means the equipment by which orders for rudder movement are transmitted from the navigating bridge to the steering gear power units. Steering gear controls include, but are not limited to—

(1) Transmitters;

(2) Receivers;

(3) Feedback devices;

(4) Hydraulic control pumps, and their associated motors and motor controllers;

(5) Differential units; and

(6) All gearing, piping, shafting, and cables associated with steering gear controls.

§ 111.93-5 General.

When the main and auxiliary steering gears described by § 58.25-20 of this chapter are electrically powered and controlled or when an arrangement of two or more identical power units are utilized in accordance with § 58.25-25 of this chapter, the vessel must have two separate steering systems each consisting of a power unit, steering control system, steering gear feeder, and associated cable and ancillary equipment. The two systems must be separate and independent on a port and starboard basis. Other steering gear systems and arrangements are accepted by the Commandant if they are equivalent to the one covered in this section.

§ 111.93-7 Feeder circuits.

(a) Vessels with one or more electric driven steering power units must have at least two feeder circuits. One of these feeder circuits must be supplied from the ship's service switchboard. On vessels where the rudder stock is required to be over 9 inches (230 mm) diameter in way of the tiller, excluding strengthening for navigation in ice; and a final emergency power source is required by § 112.05-5(a) of this chapter, the other feeder circuit must be supplied from—

(1) The emergency switchboard; or

(2) An alternative power supply that—

(i) Is available automatically within 45 seconds of loss of power supply from the ship's service switchboard;

(ii) Is from an independent source of power located in the steering gear compartment;

(iii) Is used for no other purpose; and

(iv) Has capacity sufficient for one-half hour of continuous operation of the rudder from 15 degrees on one side to 15 degrees on the other side in not more than 60 seconds with the ship at its deepest sea-going draft while running at one-half of its maximum ahead service speed or 7 knots, whichever is the greater.

(b) Vessels that have a steering gear with two electric motor driven power units must be arranged so that one power unit is supplied by one feeder and the other power unit is supplied by the other feeder.

(c) Each steering gear feeder circuit must be separated as widely as practicable from the other.

(d) Each feeder circuit must have a disconnect switch in the steering gear room.

(e) Each feeder circuit must have a current-carrying capacity of—

(1) 125 percent of the full load current rating of the electric steering gear motor or power unit; and

(2) 100 percent of the normal current of one steering control system including any associated motors.

§ 111.93-9 Steering control systems.

(a) Each steering power unit must have at least one steering control system.

(b) Each steering control system must be capable of being operated from the wheelhouse, except for an alternative steering station control system provided as described by § 58.25-50 of this chapter.

(c) Each steering control system on vessels of 500 gross tons and above must be arranged so that each steering gear power unit can be controlled in the steering gear room.

(d) The steering control system for a steering power system must be separated as widely as practicable from each other steering control system and each steering power system that it does not control.

(e) Each wheelhouse steering control system must have a switch in the wheelhouse that is arranged in such a way that one action of the switch's handle automatically puts into operation a complete steering control system and the associated steering power unit.

(f) If there is nore than one steering control system, the switch required by paragraph (e) of this section must be—

(1) Operated by one handle;

(2) Arranged so that not more than one steering control system and its associated steering power system can be energized from the wheelhouse at any one time;

(3) Arranged so that the handle passes through an "off" position when transferring from one steering control system to another; and

(4) Arranged so that the switches for each system are in separate enclosures or separated by fire-resistant barriers.

(g) Each steering control system must receive its power from the feeder circuit for its steering power system in the steering gear room.

(h) Each steering control system must have a switch that—

(1) Is in the steering gear room; and

(2) Disconnects the steering control system from its power source.

(i) Each motor controller for a steering gear must—

(1) Be in the steering gear room; and

(2) Have low voltage release.

(j) A means to start and stop each motor for a steering gear must be in the steering gear room.

§ 111.93–11 Overcurrent protection for steering systems.

(a) *Feeder circuits.* Each steering feeder circuit must be protected by a circuit breaker that is on the switchboard from which it is supplied and has an instantaneous trip set at a current of at least—

(1) 300 percent and not more than 375 percent of the rated full-load current of one steering gear main motor for a direct-current steering gear motor; and

(2) 175 percent and not more than 200 percent of the locked-rotor current of one steering gear main motor for an alternating-current steering gear motor.

(b) *No other protection.* A steering feeder circuit must not have any overcurrent protection, except that required under paragraph (a).

(c) *Motor overloads.* A main steering gear motor and a motor for a steering control system must not be protected by an overload protective device. The motor must have a device that operates an audible and visual alarm at the main machinery control station if there is an overload that would cause overheating of the motor.

(d) *Short-circuit protection.* Each control circuit of a motor controller, each steering control system, and each indicating and alarm system must have—

(1) Short-circuit protection that is instantaneous and rated at 400 to 500 percent of—

(i) The current-carrying capacity of the conductor; or

(ii) The normal load of the system; and

(2) No other overcurrent protection.

(e) *Protection of steering control systems.* The short-circuit protective device for each steering control system must be—

(1) In the steering gear room; and

(2) In the control circuit just after the steering control system disconnect switch.

§ 111.93–13 Indicating and alarm systems for steering installations.

(a) Visual and audible alarms must activate in the wheelhouse and at the main machinery control station upon low oil level of each oil reservoir of a hydraulic power-operated steering system.

(b) Visual and audible alarms must activate in the wheelhouse upon—

(1) Failure of the electrical power supply to any steering gear control system; and

(2) Failure of the power supply to any steering gear power unit.

(c) Visual and audible alarms must activate in the machinery space upon—

(1) Failure of any phase of a three phase supply; and

(2) Overload that would cause overheating of the motor.

(d) Each steering gear power motor and each auxiliary motor for control of the rudder must have a pilot light that lights in the wheelhouse and machinery space when the motor is energized.

(e) The audible alarms required by this section must not be sounded by the same device unless the visual alarms indicate the particular failure.

Note.—Where size or configuration of the vessel will not allow all of the steering gear room equipment to be located in a steering gear room, a single alternative location adjacent to the steering gear room may be provided for the equipment which cannot be located in the steering gear room.

Subpart 111.95—Electric Power-Operated Boat Winches

§ 111.95–1 Applicability.

(a) The electric installation of each electric power-operated boat winch must meet the requirements in this subpart, except that limit switches must be adapted to the installation if there are no gravity davits.

(b) The provisions of this subpart supplement the requirements of § 33.10–5 and Subparts 75.30, 94.35, and 160.015 of this chapter.

§ 111.95–3 General requirements.

(a) Each switch and motor controller must be designed to prevent corrosion of its working parts. Each structural part, such as an enclosing case, if not made of corrosion-resistant materials, must have a corrosion-resistant finish.

(b) Insulating material must have low water absorption and the effect of such water absorption upon the dielectric properties consistent with the other necessary characteristics.

(c) If a gasket is used for a water seal between parts of an assembly, the gasket must be fixed to prevent its falling out or becoming loose when the unit is disassembled.

(d) A hole in a wall of an equipment housing for the purposes of providing means for the attachment of a part on its interior or for securing a cover or similar device must not penetrate the total thickness of the housing wall.

(e) Each totally enclosed unit must have a valve, or at least one hole closed by a ¼-inch pipe plug. The valve or hole must be at the bottom of the enclosure or as near the bottom as practicable.

(f) Each main line emergency disconnect switch, if accessible to an unauthorized person, must have a means to lock the switch in the open-circuit position with a padlock or its equivalent. The switch must not lock in the closed-circuit position.

§ 111.95–5 Detail construction requirements.

(a) *Enclosures.* Each enclosure for a motor controller or switching device must be watertight if in the weather.

(b) *Electrical clearances.* The creepage and air clearance distance between live parts of different polarity of motor controllers, master switches, and control circuit limit switches must be at least equal to the values in Table 111.95–5(b). The electrical clearances for power circuit limit switches and main line emergency disconnect switches must meet Subpart 111.55 of this chapter.

(c) *Motors.* Motors must be waterproof or watertight.

TABLE 111.95—MINIMUM SPACINGS IN INCHES (MILLIMETERS)

Location	Potential in volts		
	0 to 150	151 to 300	301 to 600
Between any uninsulated live part and an uninsulated live part of opposite polarity, an uninsulated grounded part other than the enclosure, or an exposed metal part:			
Through air	¼ (6.4)	5/16 (7.9)	⅜ (9.5)
Over surface	½ (12.7)	⅝ (15.9)	¾ (19.0)
Between any uninsulated live part and the walls of a metal enclosure, including fittings for cable entrance:			
Through air	½ (12.7)	½ (12.7)	½ (12.7)
Over surface	¾ (19.0)	¾ (19.0)	¾ (19.0)

§ 111.95–7 Wiring of boat winch components.

(a) If the motor controller of a boat winch power unit is next to the winch, the main line emergency switch must disconnect all parts of the boat winch power unit, including the motor controller and limit switches, from all sources of potential. Other power circuit switches must be connected in series with the main line emergency switch

and must be ahead of the motor controller. The main line emergency switch must be the motor and controller disconnect required by Subpart 111.70 and must have a horsepower rating of at least that of the winch motor.

(b) If the motor controller of a boat winch power unit is remote from the winch, there must be a switch at the controller that can disconnect the entire winch electric installation from all sources of potential. The switch must be in series with and on the supply side of the main line emergency switch.

(c) Each davit arm limit switch, whether connected in the power circuit or in the control circuit, must disconnect all ungrounded conductors of the circuit controlled.

(d) If one motor is used with two winches, there must be a main line emergency switch, a clutch interlock switch, and a master switch for each winch, except that a single main line emergency switch located as required by paragraph (e) of this section may be used for both winches. The main line emergency switches must be connected, in series, ahead of the motor controller. The master switches must be connected in parallel and each, in series, with the corresponding clutch interlock switch for that winch. Each clutch interlock switch must open the circuit to its master switch, except when the power unit is clutched to the associated winch. There must be a means to prevent the power unit from being clutched to both winches simultaneously.

(e) The main line emergency disconnect switch must be adjacent to the master switch, within reach of the winch operator, accessible to the person in charge of the boat stowage, and for gravity davit installations, in a position from which the movement of boat davit arms can be observed as they approach the final stowed position.

Note.—Typical boat winch wiring diagrams and arrangement drawings are shown in Figures 111.95–7(e)(1) through 111.95–7(e)(5). The arrangment of the equipment shown is diagrammatical. The fact that some show direct-current motors and some show alternating-current motors has no particular significance.

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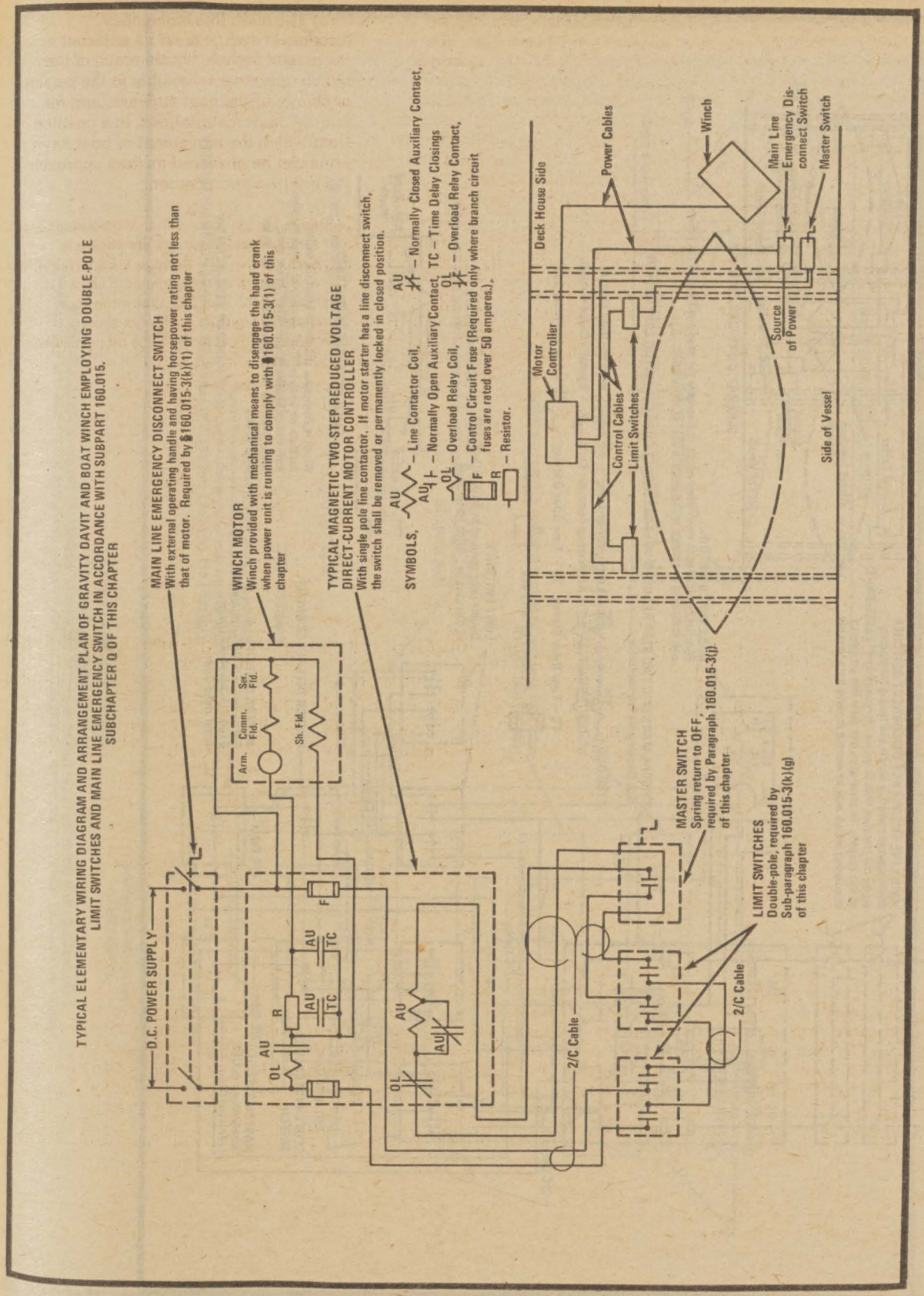

Figure 111.95-7(e)(1)

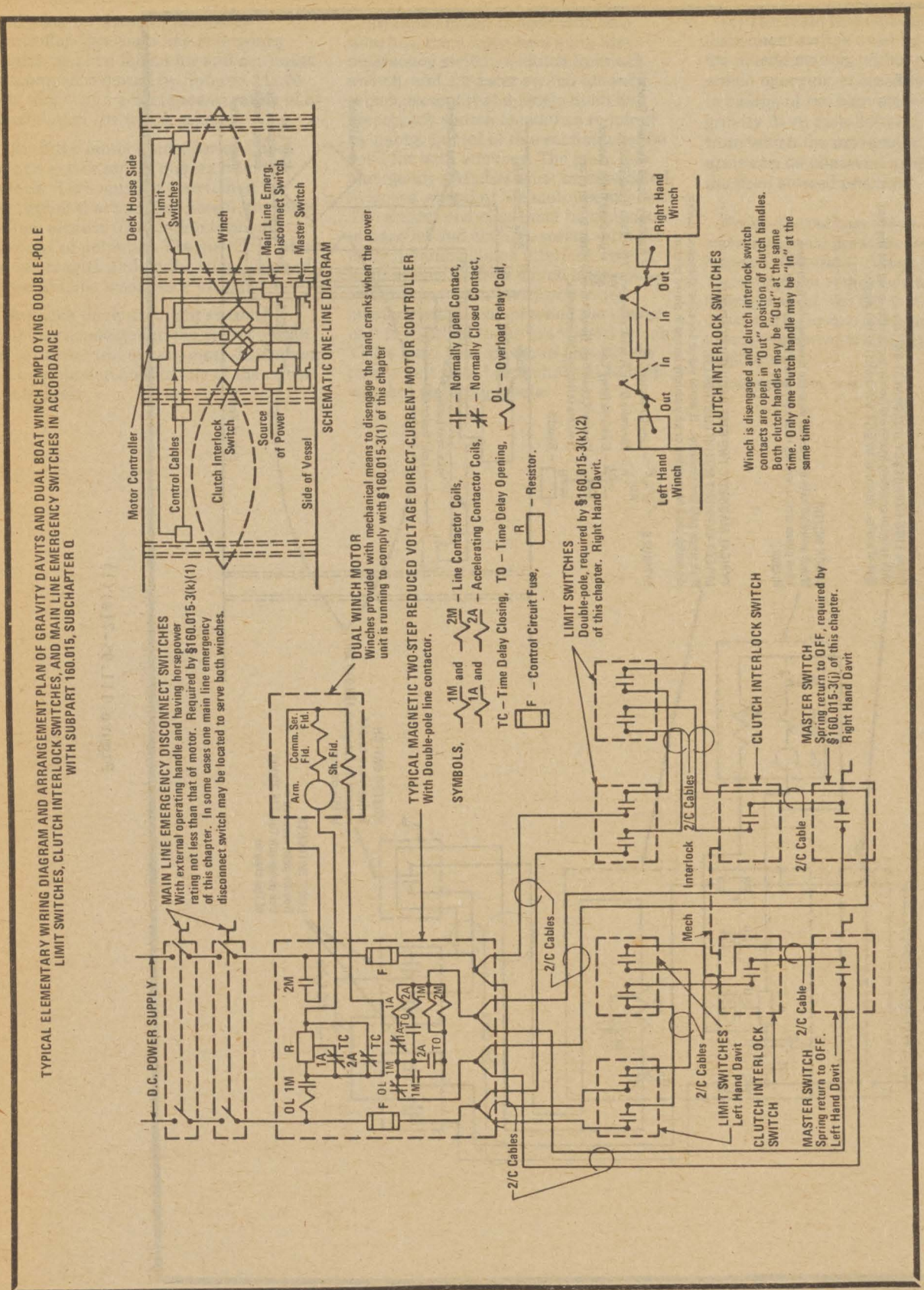

Figure 111.95-7(e)(2)

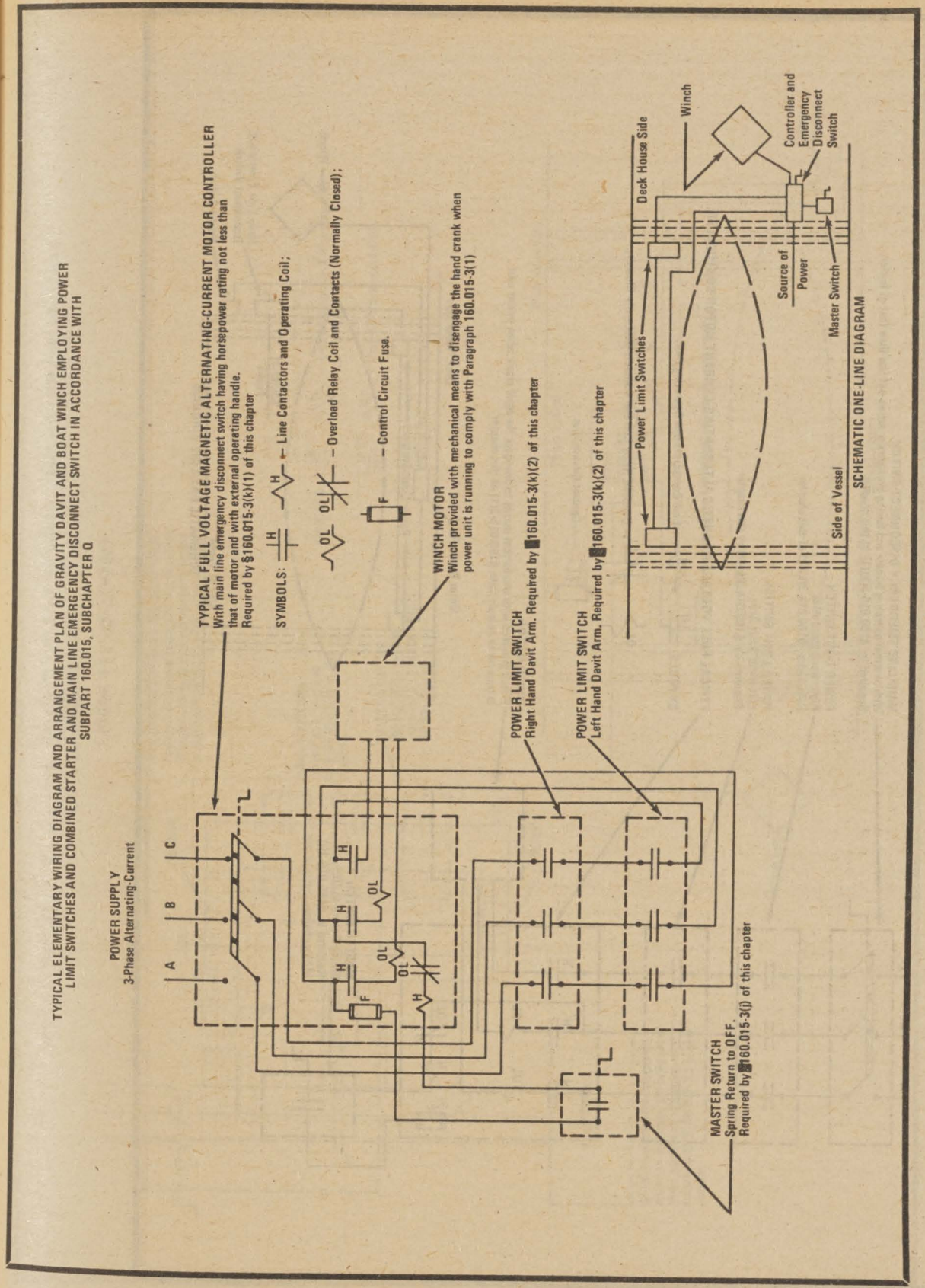

Figure 111.95-7(e)(3)

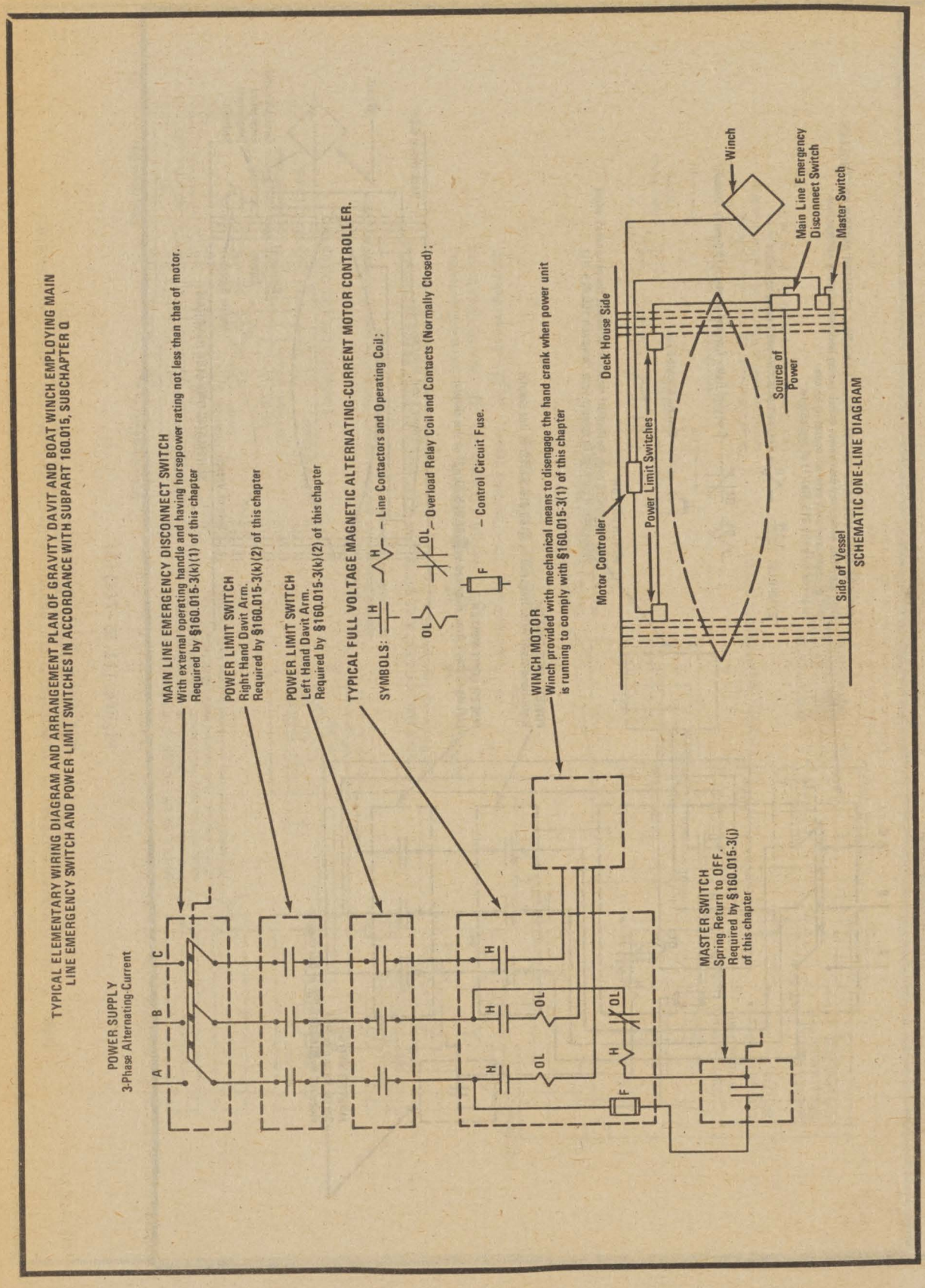

Figure 111.95-7(e)(4)

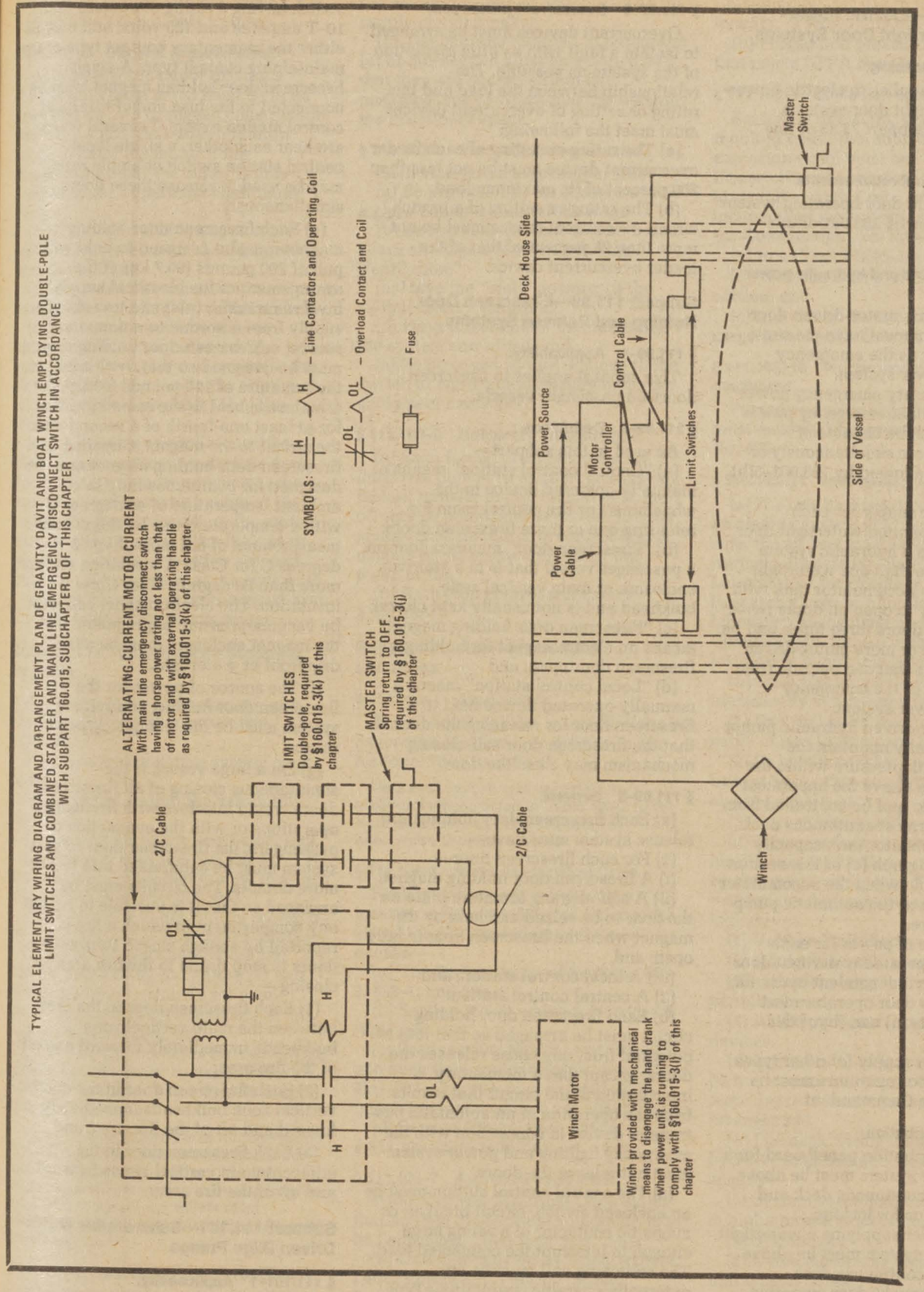

Figure 111.95-7(e)(5)

BILLING CODE 4910-14-C

Subpart 111.97—Electric Power-Operated Watertight Door Systems

§ 111.97-1 Applicability.

This subpart applies to electric power-operated watertight door systems required under Subpart 73.35 of this chapter.

§ 111.97-3 General requirements.

Each watertight door operating system must meet Subpart § 163.001 of this chapter.

§ 111.97-5 Electric and hydraulic power supply.

(a) Each electric motor-driven door operating system must have the same source of power as the emergency lighting and power system.

(b) The temporary emergency power source and the final emergency power source must each be capable of operating all doors simultaneously or sequentially as allowed by 163.001–5(b) of this chapter.

(c) The power supply for each hydraulically operated watertight door system that uses a hydraulic system common to more than one watertight door must be an accumulator tank with enough capacity to open all doors twice and to close all doors three times and be supplied by one or more motor-driven hydraulic pumps that can operate from the final source of the emergency lighting and power system.

(d) The motor-driven hydraulic pumps must automatically maintain the accumulator tank pressure within the design limits, be above the uppermost continuous deck, and be controlled from above the uppermost continuous deck.

(e) The accumulator tank capacity required in paragraph (c) of this section must be available when the accumulator tank pressure is at the automatic pump "cut-in" pressure.

(f) The source of power for each hydraulically operated watertight door system using an independent hydraulic system for each door operator must meet paragraphs (a) and (b) of this section.

(g) The power supply for other types of watertight door operators must be accepted by the Commandant.

§ 111.97-7 Distribution.

(a) Each distribution panelboard for a watertight door system must be above the uppermost continuous deck and must have means for locking.

(b) Each feeder supplying a watertight door operating system must be above the uppermost continuous deck.

(c) Each watertight door operating system must have a separate branch circuit.

§ 111.97-9 Overcurrent protection.

Overcurrent devices must be arranged to isolate a fault with as little disruption of the system as possible. The relationship between the load and the rating or setting of overcurrent devices must meet the following:

(a) The rating or setting of each feeder overcurrent device must be not less than 200 percent of its maximum load.

(b) The rating or setting of a branch circuit overcurrent device must be not more than 25 percent of that of the feeder overcurrent device.

Subpart 111.99—Firescreen Door Holding and Release Systems

§ 111.99-1 Applicability.

This subpart applies to firescreen doors on passenger vessels.

§ 111.99-3 Definitions.

As used in this subpart—

(a) "Central control station" means a manually-operated device in the wheelhouse or fire control room for releasing one or more firescreen doors;

(b) "Firescreen door" means a door on a passenger vessel that is in a stairway enclosure or main vertical zone bulkhead and is not usually kept closed;

(c) "Firescreen door holding magnet" means an electromagnet for holding a firescreen door open; and

(d) "Local control station" means a manually-operated device next to a firescreen door for releasing the door so that the firescreen door self-closing mechanism may close the door.

§ 111.99-5 General.

(a) Each firescreen door holding and release system must have—

(1) For each firescreen door—

(i) A firescreen door holding magnet;

(ii) A self-aligning armature plate on the door to be seized and held by the magnet when the firescreen door is fully open; and

(iii) A local control station; and

(2) A central control station.

(b) Each firescreen door holding circuit must be arranged so that loss of potential from any cause releases the doors, except that a momentary interruption of the circuit that results from the operation of an automatic bus-transfer device in connection with the emergency lighting and power system must not release the doors.

(c) The central control station must be an enclosed switch, circuit breaker, or magnetic contactor of a rating large enough to interrupt the connected load. The switching unit must be an externally operable, maintaining type.

(d) The local control station must be an enclosed, externally operable, fused switch having a rating of not less than 10–T amperes and 125 volts, and may be either the momentary contact type or the maintaining contact type. A single firescreen door holding magnet must be connected to the fuse end of this local control station except if several doors are near each other, a single local control station switch of ample rating may be used to release these doors simultaneously.

(e) Each firescreen door holding magnet must be designed to hold with a pull of 200 pounds (90.7 kg). If the arrangement of the electrical supply involves transfer relays to transfer the supply from a normal to a temporary source, a firescreen door holding magnet must be designed so that, with a pull on the armature of 110 pounds (50 kg), the armature is held in the sealed position for at least one-fourth of a second after the circuit to the magnet is opened. The firescreen door holding magnet must be designed for continuous duty in an ambient temperature of 40 degrees C with a temperature rise by thermometer measurement of not more than 55 degrees C for Class A insulation and not more than 80 degrees C for Class B insulation. The electromagnet coil must be vacuum-pressure impregnated and the magnet enclosure must be either dripproof or watertight.

(f) The source of power for the firescreen door holding and release system must be the emergency power source.

(g) On a large vessel, if the simultaneous closing of all firescreen doors would interfere with firefighting operations or with the evacuation of passengers, the firescreen door release system must be subdivided into two or more circuits. The circuits must be arranged so that it is possible to isolate any compartment in which a fire is reported by enough closed firescreen doors to stop drafts to the fire area by closing—

(1) Each firescreen door in the area between the main vertical zone bulkheads immediately forward and aft of the fire area;

(2) Each firescreen door in the main vertical zone bulkheads immediately foward and aft of the fire area; and

(3) Each firescreen door in the adjacent main vertical zones forward and aft of the fire area.

Subpart 111.101—Submersible Motor-Driven Bilge Pumps

§ 111.101-1 Applicability.

This subpart applies to each submersible motor-driven bilge pump

required on certain vessels under § 56.50–55(a)(2)(i) of this chapter.

§ 111.101–3 General requirements.

(a) Each electric motor driving a submersible bilge pump must be in an open end air bell of rugged construction and be of a size that does not allow water to enter the motor if the compartment that the motor is in is flooded to the uppermost continuous deck.

(b) The motor, if of the open type, must be protected from splashing water from the bottom.

(c) The cable to each motor must enter through the open bottom of the air bell.

(d) Each motor must be able to operate continuously at rated load under any condition, dry or with water in the air bell at any level up to the maximum allowed under paragraph (a) of this section.

(e) Each motor controller must be above the uppermost continuous deck. There must be a master switch at the controller and a master switch at the motor. The master switch at the motor must be disconnected from the circuit when the motor is started or stopped from the master switch at the controller.

(f) Each motor must be energized from the final emergency power source.

Subpart 111.103—Remote Stopping Systems

§ 111.103–1 Power ventilation systems except machinery space ventilation systems.

Each power ventilation system must have—

(a) A control to stop the ventilation that is—

(1) Outside the space ventilated; and

(2) Grouped with the controls for every power ventilation system to which this section is applicable; and

(b) In addition to the control required by paragraph (a), a stop control that is—

(1) As far as practicable from the control required by paragraph (a) and grouped with the controls for every power ventilation system to which this section is applicable; or

(2) The circuit breakers for ventilation grouped on the main switchboard and marked, "In Case of Fire Trip to Stop Ventilation."

Note.—The requirements of this section do not apply to closed ventilation systems for motors or generators, diffuser fans for refrigerated spaces, room circulating fans, or exhaust fans for private toilets of an electrical rating comparable to that of a room circulating fan.

§ 111.103–3 Machinery space ventilation.

(a) Each machinery space ventilation system must have two controls to stop the ventilation, one of which may be the supply circuit breaker.

(b) The controls required in paragraph (a) of this section must be grouped so that they are operable from two positions, one of which must be outside the machinery space.

§ 111.103–7 Ventilation stop stations.

Each ventilation stop station must—

(a) Be protected by an enclosure with a glass-paneled door on the front;

(b) Be marked, "In Case of Fire Break Glass and Operate Switch to Stop Ventilation;"

(c) Have the "stop" position of the switch clearly identified;

(d) Have a nameplate that identifies the system controlled; and

(e) Be arranged so that damage to the switch or cable automatically stops the equipment controlled.

§ 111.103–9 Machinery stop stations.

(a) Each forced draft fan, induced draft fan, blower of an inert gas system, fuel oil transfer pump, fuel oil unit, fuel oil service pump, and any other fuel oil pumps must have a stop control that is outside of the space containing the pump or fan.

(b) Each stop control must meet § 111.103–7.

Subpart 111.105—Hazardous Locations

§ 111.105–1 Applicability.

This subpart applies to installations in hazardous locations, as defined in the National Electrical Code.

Note.—Chemicals and materials in addition to those listed in Table 500–2 of the National Electrical Code are listed in Subchapter O of this chapter.

§ 111.105–5 National Electrical Code.

Each installation in a hazardous location must meet Articles 500 through 503 of the National Electrical Code, except—

(a) The first sentence of Sections 501–1, 502–1, and 503–1;

(b) Section 501–4, which § 111.105–15 replaces;

(c) Sections 502–14(a)(1) and 503–12 and each final sentence of Sections 502–4(a), 502–4(b), 503–3(a), and 503–3(b), which are replaced by § 111.105–17; and

(d) Section 502–14(a)(2), which § 111.105–35(d) modifies.

§ 111.105–7 Approved equipment.

If the National Electrical Code states that an item of electrical equipment is to be "approved," that item must be—

(a) One that is listed by Underwriters Laboratories Inc., Factory Mutual Research Corp., or other independent laboratory recognized by the Commandant, for use in the hazardous location in which it is located; or

(b) Purged and pressurized equipment that meets NFPA No. 496.

§ 111.105–9 Explosion-proof equipment.

Each item of electric equipment that is required under this subpart to be explosion-proof must be listed by Underwriters Laboratories Inc., Factory Mutual Research Corp., or other independent laboratory recognized by the Commandant, for use—

(a) In a Class I Division 1 location;

(b) With the Group of the cargo carried; and

(c) In a Group B atmosphere, if the cargo is inorganic acid on a tankship.

§ 111.105–10 Purged and pressurized equipment.

Purged and pressurized equipment must meet the requirements of NFPA No. 496.

§ 111.105–11 Intrinsically safe systems.

(a) If a rule in this subpart states that an electric system is to be intrinsically safe, the system must be listed as intrinsically safe by Underwriters Laboratories Inc., Factory Mutual Research Corp., or other independent laboratory recognized by the Commandant, for use in the hazardous location in which it is located.

(b) Each electric cable for an intrinsically safe system must—

(1) Be 2 inches (50 mm) or more from cable of non-intrinsically safe circuits;

(2) Be partitioned by a grounded metal barrier from other non-intrinsically safe electric cables; or

(3) Be a shielded cable.

(c) The manufacturer must submit installation instructions and restrictions on the approved system. Typical restrictions that must be specified include—

(1) Voltage limitations;

(2) Allowable cable parameters;

(3) Maximum length of cable permitted; and

(4) Ability of system to accept passive devices.

(d) Intrinsically safe systems must not be interconnected unless the systems were approved with the particular arrangement.

(e) The deck wiring diagram required by Part 110 of this subchapter must specify—

(1) System identification as to manufacturer's model number;

(2) System use;

(3) Cable parameter including length and type of cable;

(4) Wiring and equipment locations; and

(5) Installation details.

§ 111.105-15 Wiring methods for Class I hazardous locations.

(a) Cable for a Class I, Division 1, hazardous locations, and locations designated in §§ 111.105-31 and 111.105-32, except as provided in paragraphs (b) and (c) of this section must—

(1) Be armored or MI type cable; and

(2) Meet Subpart 111.60 of this chapter.

(b) Cable for use in an intrinsically safe system must meet—

(1) Subpart 111.60 and § 111.105-11(b) of this chapter; and

(2) The recommendations of ISA RP 12.6 "Installation of Intrinsically Safe Instrument Systems in Class I Hazardous Locations," except Appendix A.1.

(c) Flexible cords and cables must meet § 111.60-13 of this chapter.

(d) Each explosion-proof enclosure that is in a Class I location must have an approved explosion-proof seal fitting that is—

(1) Treaded directly into the enclosure; or

(2) Connected to the enclosure by a piece of approved explosion-proof rigid metal conduit that is 18 inches (460 mm) or less in length.

§ 111.105-17 Wiring methods for Class II and Class III hazardous locations.

(a) Cable for a Class II or III hazardous location must—

(1) Be armored or MI type cable if installed in a Division 1 hazardous location; and

(2) Meet Subpart 111.60 of this part.

(b) Each cable entrance to electric equipment in Class II and Class III hazardous locations must have a dust-tight terminal tube.

§ 111.105-19 Switches.

Each explosion-proof switch and each switch controlling explosion-proof equipment must have a pole for each ungrounded circuit conductor.

§ 111.105-21 Fans.

Each fan for ventilation of a hazardous location must be a nonsparking fan.

§ 111.105-23 Fan motors.

Each electric motor for a fan that ventilates a hazardous location must be listed by Underwriters Laboratories, Inc., Factory Mutual Research Corp., or other independent laboratory recognized by the Commandant, for the same class, division, and group as the ventilated location or be—

(a) Outside the ventilation duct;

(b) 10 ft. (3 m) from the ventilation duct termination; and

(c) In a non-hazardous location.

§ 111.105-25 Ventilation ducts.

For the purpose of this subpart, a ventilation duct that ventilates a hazardous space has the classification of that space.

§ 111.105-27 Belt drives.

Each belt drive in a hazardous location must have—

(a) A conductive belt; and

(b) Pulleys, shafts, and driving equipment grounded to meet NFPA No. 77.

§ 111.105-29 Combustible liquid cargo carriers.

Each vessel that carries combustible liquid cargo with a closed-cup flashpoint of 60 degrees C (140 degrees F) or higher must have—

(a) Only intrinsically safe electric systems in cargo tanks; and

(b) No storage battery in any cargo handling room.

§ 111.105-31 Flammable or combustible cargo with a flashpoint below 60 degrees C (140 degrees F), liquid sulphur carriers, and inorganic acid tankships.

(a) *Applicability.* Each vessel that carries combustible or flammable cargo with a closed-cup flashpoint lower than 60 degrees C (140 degrees F) or liquid sulphur cargo, or a tankship that carries inorganic acid cargo must meet the requirements of this section, except—

(1) A vessel carrying bulk liquefied flammable gases as a cargo, cargo residue, or vapor which must meet the requirements of § 111.105-32; and

(2) A vessel carrying carbon disulfide must have only intrinsically safe electric equipment in the locations listed in paragraphs (e) through (l) of this section.

(b) *Cable location.* Electric cable must be as close as practicable to the centerline and must be away from cargo tank openings.

(c) *Lighting circuits.* An enclosed hazardous space that has explosionproof lighting fixtures must—

(1) Have at least two lighting branch circuits;

(2) Be arranged so that there is light for relamping any deenergized lighting circuit; and

(3) Not have the switch within the space for those spaces containing explosionproof lighting fixtures under paragraphs (g), (i) and (j) of this section.

(d) *Submerged cargo pump motors.* If a submerged cargo pump motor is in a cargo tank—

(1) Low liquid level, motor current, or pump discharge pressure must automatically shutdown power to the motor if the pump loses suction;

(2) An audible and visual alarm must be actuated by the shutdown of the motor; and

(3) There must be a lockable circuit breaker or lockable switch that disconnects power to the motor.

(e) *Cargo tanks.* A cargo tank must not contain any electric equipment except—

(1) Intrinsically safe equipment;

(2) Submerged cargo pumps; and

(3) Supply cable for submerged cargo pumps.

(f) *Cargo handling rooms.* A cargo handling room must not have any electric cable or other electric equipment, except—

(1) Intrinsically safe equipment;

(2) Explosionproof lighting fixtures;

(3) Cables supplying intrinsically safe equipment in the cargo handling room; and

(4) Armored or MI type cables that supply explosionproof lighting fixtures that are in the cargo handling room.

(g) *Lighting of cargo handling rooms.* Lighting for a cargo handling room except a cargo handling room under paragraph (h) of this section, must be lighted through fixed glass lenses in the bulkhead or overhead. Each fixed glass lens must be wire-inserted glass that is at least .025 inches (6.35 mm) thick and arranged to maintain the watertight and gastight integrity of the structure. The fixed glass lens may form a part of a listing fixture if the following are met:

(i) There is no access to the interior of the fixture from the cargo handling room.

(ii) The fixture is vented to the engineroom or a similar nonhazardous area.

(iii) The fixture is wired from outside the cargo handling room.

(iv) The temperature on the cargo handling room surface of the glass lens, based on an ambient temperature of 40 degrees C, is not higher than 180 degrees C.

(h) A cargo handling room which precludes the lighting arrangement of paragraph (g) of this section, or where the lighting arrangement of paragraph (g) of the section does not give the required light, must have explosionproof lighting fixtures.

(i) *Enclosed spaces.* An enclosed space that is immediately above, below, or next to a cargo tank must not contain any electric equipment except equipment allowed for cargo handling rooms in paragraphs (f) and (g), and—

(1) Through runs of armored or MI type cable; and

(2) Watertight enclosures with bolted and gasketed covers containing only—

(i) Depth sounding devices;

(ii) Log devices; and

(iii) Impressed-current cathodic protection system electrodes.

(j) *Cargo hose stowage space.* A cargo hose stowage space must not have any electric equipment except explosionproof lighting fixtures and through runs of armored or MI type cable.

(k) *Cargo piping in a space.* A space that has cargo piping must not have any electrical equipment except explosionproof lighting fixtures and through runs of armored or MI type cable.

(l) *Weather locations.* A location in the weather, except on a tankship carrying inorganic acid, must have only explosionproof electric equipment, purged and pressurized equipment, and through runs of armored or MI type cable if it is—

(1) Within 10 feet (3 m) of—

(i) A cargo tank vent outlet;

(ii) A cargo tank ullage opening;

(ii) A cargo pipe flange;

(iv) A cargo valve;

(v) A cargo handling room entrance; or

(vi) A cargo handling room ventilation opening; or

(2) On a tankship and on the open deck over the cargo area and 10 feet (3 m) forward and aft of the cargo area on the open deck and up to 8 feet (2.4 m) above the deck.

(m) *Other spaces.* Except for those spaces listed in paragraphs (e) through (k), a space that has a direct opening to any space listed in paragraphs (e) through (l) must have only the electric installations that are allowed for the space to which it opens.

§ 111.105–32 Bulk liquefied gas and ammonia carriers.

(a) Each vessel that carries bulk liquefied flammable gases or ammonia as a cargo, cargo residue, or vapor must meet the requirements of this section.

(b) As used in this section:

(1) The terms "gas-safe" and "gas-dangerous" spaces are used as defined in § 154.3 of this chapter.

(2) The term "gas-dangerous" does not include the weather deck of an ammonia carrier.

(c) Each submerged cargo pump motor installation must be approved by the Commandant.

(d) Electrical equipment must not be installed in a gas-dangerous space or zone, except—

(1) Intrinsically safe electrical equipment and wiring, and

(2) Other equipment as allowed in this section.

(e) A submerged cargo pump motor, if installed in a tank, must meet the following requirements:

(1) Low liquid level, motor current, or pump discharge pressure must automatically shut down power to the pump motor if the pump loses suction.

(2) There must be an audible and visual alarm at the cargo-control station that activates if the motor shuts down under the requirements of subparagraph (1) of this paragraph.

(3) There must be a lockable circuit breaker or lockable switch that disconnects the power to the motor.

(f) Electrical equipment must not be installed in a hold space that has a tank that is not required to have a secondary barrier under § 154.459 of this chapter, except—

(1) Through runs of armored or MI type cable;

(2) Explosionproof lighting fixtures;

(3) Depth sounding devices in gastight enclosures;

(4) Log devices in gastight enclosures;

(5) Impressed current cathodic protection system electrodes in gastight enclosures; and

(6) Armored or MI type cable for a submerged cargo pump motor.

(g) Electrical equipment must not be installed in a space that is separated by a gastight steel boundary from a hold space that has a tank that must have a secondary barrier under the requirements of § 154.459 of this chapter, except—

(1) Through runs of armored or MI type cable;

(2) Explosionproof lighting fixtures;

(3) Depth sounding devices in gastight enclosures;

(4) Log devices in gastight enclosures;

(5) Impressed current cathodic protection system electrodes in gastight enclosures;

(6) Explosionproof motors that operate cargo system valves or ballast system valves;

(7) Explosionproof bells for general alarm systems; and

(8) Armored or MI type cable for a submerged cargo pump motor.

(h) A cargo-handling room must not have any installed electrical equipment, except explosionproof lighting fixtures.

(i) A space for cargo hose storage or a space that has cargo piping must not have any installed electrical equipment, except—

(1) Explosionproof lighting fixtures; and

(2) Through runs of armored or MI type cable.

(j) A gas dangerous zone on the open deck must not have any installed electrical equipment, except—

(1) Explosionproof equipment that is necessary for the operation of the vessel; and

(2) Through runs of armored or MI type cable.

(k) A space, except those named in paragraphs (f) through (i) of this section, that has a direct opening to gas-dangerous spaces or zones must have no electrical equipment except as allowed in the gas-dangerous space or zone.

(l) Each gas-dangerous space that has lighting fixtures must have at least two branch circuits for lighting.

(m) Each switch and each overcurrent protective device for any lighting circuit that is in a gas-dangerous space must open all conductors of the circuit simultaneously.

(n) Each switch and each overcurrent protective device for lighting in a gas-dangerous space must be in a gas-safe space.

§ 111.105–33 Mobile offshore drilling units.

(a) *Applicability.* This section applies to each mobile offshore drilling unit.

(b) *Definitions.* As used in this section—

(1) "Enclosed spaces" are locations delineated by floors, bulkheads, or decks which may have doors or windows.

(2) "Semi-enclosed spaces" are locations where natural conditions of ventilation are notably different from those on open deck due to the presence of structures such as roofs, windbreaks, and bulkheads which are so arranged that dispersion of gas may not occur.

(c) The internal space of each pressure vessel, tank, and pipe for drilling mud and for gas venting must have only intrinsically safe electric equipment.

(d) The following are Class I, Division 1 locations:

(1) An enclosed space that contains any part of the mud circulating system that has an opening into the space and is between the well and final degassing discharge.

(2) An enclosed or semi-enclosed location that is below the drill floor and contains a possible source of gas release such as the top of a drilling nipple.

(3) An enclosed space that is on the drill floor and is not separated by a solid, gas-tight floor from the spaces specified in paragraph (d)(2) of this section.

(4) A space that would normally be considered a Division 2 location under paragraph (e) of this section but where combustible or flammable gases might accumulate. This could include pits, ducts, and similar structures

downstream of the final degassing discharge.

(5) A location in the weather or a semi-enclosed location, except as provided in paragraph (d)(2) of this section, that is within 5 feet (1.5 m) of the boundary of any—

(i) Equipment or opening specified in paragraph (d)(1) of this section;

(ii) Ventilation outlet, access, or other opening to a Class I, Division 1 space; or

(iii) Gas vent outlet.

(6) Except as provided in paragraph (f) of this section, an enclosed space that has an opening into a Class I, Division 1 location.

(e) The following are Class I, Division 2 locations:

(1) An enclosed space that has any open portion of the mud circulating system from the final degassing discharge to the mud suction connection at the mud pit.

(2) A location in the weather that is—

(i) Within the boundaries of the drilling derrick up to a height of 10 feet (3m) above the drill floor;

(ii) Below the drill floor and within a radius of 10 feet (3m) of a possible source of release, such as the top of a drilling nipple; or

(iii) Within 5 feet (1.5m) of the boundaries of any ventilation outlet, access, or other opening to a Class I, Division 2 space.

(3) A location that is—

(i) Within 5 feet (1.5m) of a semi-enclosed Class I, Division 1 location indicated in paragraph (d)(2) of this section; or

(ii) Within 5 feet (1.5m) of a Class I, Division 1 space indicated in paragraph (d)(5).

(4) A semi-enclosed area that is below and contiguous with the drill floor to the boundaries of the derrick or to the extent of any enclosure which is liable to trap gases.

(5) A semi-enclosed derrick to the extent of its enclosure above the drill floor, or to a height of 10 feet (3m) above the drill floor, whichever is greater.

(6) Except as provided in paragraph (f) of this section, an enclosed space that has an opening into a Class I, Division 2 location.

(f) An enclosed space that has direct access to a Division 1 or Division 2 location is the same division as that location, except—

(1) An enclosed space that has direct access to a Division 1 location is not a hazardous location if—

(i) The access has self-closing gas-tight doors that form an air lock;

(ii) The ventilation causes greater pressure in the space than in the Division 1 location; and

(iii) Loss of ventilation overpressure is alarmed at a manned station;

(2) An enclosed space that has direct access to a Division 1 location can be considered as a Division 2 location if—

(i) The access has a self-closing, gas-tight door that opens into the space and that has no hold-back device;

(ii) Ventilation causes the air to flow with the door open from the space into the Division 1 location; and

(iii) Loss of ventilation is alarmed at a manned control station; and

(3) An enclosed space that has direct access to a Division 2 location is not a hazardous location if—

(i) The access has a self-closing, gas-tight door that opens into the space and that has no hold-back device;

(ii) Ventilation causes the air to flow with the door open from the space into the Division 2 location; and

(iii) Loss of ventilation actuates an alarm at a manned control station.

(g) Electrical equipment and devices installed in spaces made non-hazardous by the methods indicated in paragraph (f) of this section must be limited to essential equipment.

§ 111.105–35 Vessels carrying coal.

(a) The following are Class II, Division 1 locations on a vessel that carries bituminous coal:

(1) The interior of each coal bin and cargo hold.

(2) Each compartment that has a coal transfer point where coal is dropped or dumped.

(3) Each open area within 10 feet (3 m) of a coal transfer point where coal is dropped or dumped.

(b) Each space that has a coal conveyer on a vessel that carries bituminous coal is a Class II, Division 2 space.

(c) Each location listed in paragraphs (a) and (b) is a Class II, Division 1 location on a vessel that carries anthracitic coal.

(d) A space that has a coal conveyor on a vessel that carries bituminous coal must have electrical equipment approved for Class II, Division 2 hazardous locations, except watertight general alarm bells.

§ 111.105–37 Flammable anesthetics.

Each electric installation where a flammable anesthetic is used or stored must meet NFPA No. 56A.

§ 111.105–39 Gasoline or other highly volatile motor fuel carried in vehicles.

(a) *Applicability.* This section applies to spaces that are "specially suitable for vehicles" as defined in §§ 70.10–44 and 90.10–38 of this chapter.

(b) *General requirements.* Electric equipment which is within 18 inches (460 mm) of the deck must meet Article 501 of the National Electrical Code for Class I, Division 2, Group D locations. Electric equipment which is 18 inches (460 mm) or more above the deck must be totally enclosed or be dripproof, and protected by guards or screens to prevent escape of sparks or metal particles.

(c) *Loss of ventilation alarm.* Loss of ventilation in a space that is "specially suitable for vehicles" must actuate an audible and visual alarm at a manned location.

§ 111.105–41 Battery rooms.

Each electric installation in a battery room must meet Subpart 111.15 of this chapter.

§ 111.105–43 Paint stowage or mixing spaces.

A space for the stowage or mixing of paint must not have any electric equipment, except—

(a) Intrinsically safe electric equipment approved for a Class I, Division 1, Group D location;

(b) Explosionproof electric equipment approved for a Class I, Division 1, Group D location; or

(c) Through runs of armored or MI type cable.

Subpart 111.107—Industrial Systems

§ 111.107–1 Industrial systems.

(a) A system on a mobile offshore drilling unit that is used only for the industrial function of the unit and meets the National Electrical Code must meet only the following requirements in this subchapter:

(1) The Underwriters Laboratories Inc. standards in § 110.10–1(b)(5) of this subchapter.

(2) The switchgear standards in § 110.10(b)(4) and (b)(8).

(3) Subpart 110.25—Plan Submittal.

(4) Subpart 111.01—General Considerations.

(5) Subpart 111.05—Grounding, Ground Detection, and Grounded Systems.

(6) Subpart 111.105—Hazardous Locations.

(b) Cables that penetrate a deck or bulkhead must—

(1) Be installed in accordance with the requirements of § 111.60–5; and

(2) Meet the flammability test requirements of section 18.13.5 of IEEE Standard No. 45.

PART 112—EMERGENCY LIGHTING AND POWER SYSTEMS

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Subpart 112.55—Storage Battery Installation

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Authority: 46 U.S.C. 170, 367, 369, 375, 390b, 391a, 392, 405, 416, 445, 489, 526p; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 112.01—Definitions of Emergency Lighting and Power Systems

§ 112.01–1 Purpose.

The purpose of this subpart is to define types of emergency lighting and power systems.

§ 112.01–5 Manual emergency lighting and power system.

A manual emergency lighting and power system is one in which a single manual operation, such as the manual operation of a switch from an "off" to an "on" position, is necessary to cause the emergency power source to supply power to the emergency loads.

§ 112.01–10 Automatic emergency lighting and power system.

An automatic emergency lighting and power system is one in which a reduction in potential from the ship's service power and lighting plant causes the emergency power source to supply power to the emergency loads.

§ 112.01–15 Temporary emergency power source.

A temporary emergency power source is one of limited capacity that carries, for a short time, selected emergency loads while an emergency power source of larger capacity is being started.

§ 112.01–20 Final emergency power source.

A final emergency power source is one that functions after the temporary emergency power source is disconnected.

Subpart 112.05—General

§ 112.05–1 Purpose.

(a) The purpose of this part is to ensure a dependable independent emergency power source with the capacity to supply all those services that are necessary for the safety of the passengers, crew, and other persons in an emergency.

(b) No load may be powered from an emergency power source, except—

(1) A load required by this part to be powered from the emergency power source;

(2) A bus-tie to the main switchboard that meets § 112.05–3; and

(3) Emergency loads that may be necessary to maintain or restore the propulsion plant, such as control systems, controllable pitch propellers, hydraulic pumps, control air compressors, and machinery necessary for dead-ship start-up.

§ 112.05–3 Main-emergency bus-tie.

Each bus-tie between a main switchboard and an emergency switchboard must—

(a) Disconnect automatically upon loss of potential at the emergency switchboard;

(b) Be arranged to prevent parallel operation of an emergency power source with any other source of electric power, except for interlock systems for momentary transfer of loads; and

(c) If arranged for feedback operation, open automatically upon overload of the emergency power source before the emergency power source is tripped off the line from the overload.

§ 112.05–5 Emergency power source.

(a) The emergency power source must meet table 112.05–5(a) and have the capacity to supply all loads that can be simultaneously connected to it, except a load on a bus-tie to the main switchboard.

TABLE 112.05-5(a)

Size of vessel and service	Type of emergency power source or lighting	Period of operation and minimum capacity of emergency power
Passenger vessels:		
Ocean, Great Lakes, or coastwise; or on an international voyage.	Temporary emergency power source; and final emergency power source (automatically connected storage battery or an automatically started generator).	36 hours.[1] [2]
Other than Ocean, Great Lakes, or coastwise and not on an international voyage.	Final emergency power source (automatically connected storage battery or an automatically started generator).	8 hours or twice the time of run, whichever is less.[2]
Cargo vessels; miscellaneous self-propelled vessels; tankships; barges with sleeping accommodations for more than 6 persons; mobile offshore drilling units; and oceanographic vessels:		
Ocean, Great Lakes, or coastwise and 500 GT or more; on an international voyage and 500 GT or more; or all waters and 1600 GT or more.	Final emergency power source (automatically connected storage battery or an automatically started generator).	18 hours. [1] [2]
Ocean, Great Lakes, or coastwise and less than 500 GT; or other than ocean, Great Lakes, or coastwise, 300 GT or more but less than 1600 GT, and not on an international voyage..	Emergency lighting provided by an automatically connected or manually controlled storage battery; automatically or manually started generator; or relay-controlled, battery-operated lanterns.[3] [4].	6 hours or twice the time of run, whichever is less.

[1] For a vessel on an international voyage of short duration, the time period may be reduced to twice the time of run but not less than 12 hours.
[2] The capacity for the operation of the steering gear, as required by § 111.93, is for a period of 30 minutes continuous operation.
[3] The emergency lighting requirements of § 112.15-1 (b), (c), (f), and (g) must be met.
[4] Requirements of Subpart 112.39 must be met by the relay-controlled, battery-operated lanterns.

(b) The emergency power source must be independent of the ship's service lighting and powerplant and propulsion plant, except for the compressed air starting means allowed in § 112.50-7(c)(3)(i). A stop control for an emergency generator must be only in the space that has the emergency generator, except a remote mechanical reach rod is permitted for the fuel oil shut-off valve to an independent fuel oil tank located in the space.

(c) The complete emergency installation must function when the ship is inclined to the maximum angle of heel which results from the assumed damage required by Part 157 of Title 33 or by Parts 42, 74, 108, 153, and 154 of Title 46 of the Code of Federal Regulations for the specific vessel type or 22½ degrees, whichever is greater, and when the trim of the ship is 10 degrees.

(d) The emergency power source must be aft of the collision bulkhead, outside the machinery casing, and above the uppermost continuous deck.

(e) No compartment that has an emergency power source, or its vital components, may adjoin a Category A machinery space except when such an arrangement is not practicable. In such a case, the boundary between the compartment containing the emergency source and category A machinery space must have an A-60 fire classification as defined in Subpart 72.05 of this chapter.

(f) Except for a cable for connecting equipment in the engineroom or boilerroom, no cable supplied from the emergency switchboard may penetrate the boundaries of the engineroom, boilerroom, uptakes, or casings of these spaces. These cables must be kept clear of the bulkheads and decks forming these boundaries. No emergency circuit in an engineroom or a boilerroom may supply equipment in any other space.

(g) The emergency switchboard must be as near as practicable to the emergency power source but not in the same space as a battery emergency power source.

(h) If the emergency power source is a generator, the emergency switchboard must be in the same space as the emergency power source.

(i) The prime mover of an emergency generator must be either a diesel engine or a gas turbine.

Subpart 112.15—Emergency Loads

§ 112.15-1 Temporary emergency loads.

On vessels required by § 112.05-5(a) to have a temporary emergency power source, the following emergency lighting and power loads must be arranged so that they can be energized from the temporary emergency power source:

(a) Navigation lights.

(b) Enough lights throughout machinery spaces to allow essential operations and observations under emergency conditions and to allow restoration of service.

(c) Lighting for passageways, stairways, and escape trunks in passenger quarters, crew quarters, public spaces, machinery spaces, and work spaces sufficient to allow passengers and crew to find their way to open decks and to lifeboat and liferaft embarkation and assembly points with all watertight doors and fire-screen doors closed.

(d) Illuminated signs with the word "EXIT" in red letters throughout a passenger vessel so the direction of escape to the open deck is obvious from any portion of the vessel usually accessible to the passengers or crew, except machinery spaces, and except stores and similar spaces where the crew are not normally employed. There must be sufficient signs so that the direction of escape is obvious, with all fire doors in stairway enclosures and main vertical zone bulkheads closed and all watertight doors closed. For the purpose of this paragraph, an individual stateroom or other similar small room is not required to have a sign, but the direction of escape must be obvious to a person emerging from the room.

(e) Illumination to allow safe operation of each power operated watertight door.

(f) At least one light in each space where a person may be maintaining, repairing, or operating equipment, stowing or drawing stores or equipment, or transiting, such as public spaces, work spaces, machinery spaces, workshops, galleys, emergency fire pumprooms, bow thruster rooms, storage areas for paint, rope, and other stores, underdeck passageways in cargo areas, steering gear rooms, windlass rooms, normally accessible duct keels with valve operators, cargo handling rooms, and holds of roll-on/roll-off vessels.

(g) Lighting for lifeboat and liferaft launching areas, embarkation decks and passenger assembly points. Lights must meet the requirements of §§111.75-16 and 112.43-11 of this chapter.

(h) Electric communication systems that are necessary under temporary emergency conditions and that do not have an independent storage battery source of power.

(i) Each power operated watertight door system.

(j) Each emergency loudspeaker system.

(k) Each fire screen door holding and release system.

(l) Supply to motor generator or other conversion equipment if a temporary emergency power source of alternating current is necessary for essential communication systems or emergency equipment.

(m) Each daylight signaling light.

(n) Each smoke detector system.

(o) Each electrically controlled or powered ship's whistle.

(p) Each fire detection system.

§ 112.15-5 Final emergency loads.

On vessels required to have a final emergency power source by § 112.05-5(a) of this chapter, the following emergency lighting and power loads

must be arranged so that they can be energized from the final emergency power source:

(a) Each load under § 112.15–1.

(b) Each elevator in a passenger vessel.

(c) Each charging panel for—

(1) Temporary emergency batteries;

(2) Starting batteries for diesel engines or gas turbines that drive emergency generators; and

(3) General alarm batteries.

(d) One of the bilge pumps, if the emergency power source is its source of power to meet Part 56 of this chapter.

(e) One of the fire pumps, if the emergency power source is its source of power to meet Part 34 of Subchapter D (Tank Vessels), Part 76 of Subchapter H (Passenger Vessels), Part 95 of Subchapter I (Cargo and Miscellaneous Vessels), or Part 108 of Subchapter IA (Mobile Offshore Drilling Units) of this chapter.

(f) A sprinkler system pump or water spray extinguishing system pump, if the emergency power source is its source of power to meet Part 76 of Subchapter H (Passenger Vessels) of this chapter.

(g) If necessary, the lube oil pump for each propulsion turbine and ship's service generator turbine that needs external lubrication.

(h) Each rudder angle indicator.

(i) Each radio installation.

(j) Each radio direction finder.

(k) Each loran.

(l) Each radar.

(m) Each gyrocompass.

(n) Each depth sounder.

(o) A steering gear feeder if required by Subpart 111.93 of this chapter.

(p) General alarm flashing lights required by § 113.25–10.

(q) Each electric blow-out preventer control system on a mobile offshore drilling unit.

(r) Any permanently installed diving system that is dependent upon the vessel's or drilling unit's electrical power.

(s) An emergency generator starting air compressor as allowed by § 112.50–7(c)(3)(ii) of this part.

(t) Each steering gear failure alarm required by Subpart 113.43 of this chapter.

§ 112.15–10 Loads on systems without a temporary emergency power source.

If there is no temporary emergency power source, the loads under § 112.15–1 must be arranged so that they can be energized from the final emergency power source.

Subpart 112.20—Emergency Systems Having a Temporary and a Final Emergency Power Source

§ 112.20–1 General.

This subpart contains requirements applicable to emergency power installations having both a temporary and a final emergency power source.

§ 112.20–3 Normal source for emergency loads.

(a) The normal source for emergency loads must be the ship's service generating plant.

(b) The power from the ship's service generating plant for the emergency loads must be supplied to the emergency switchboard through automatic transfer switches.

§ 112.20–5 Failure of power from the normal source or final emergency power source.

(a) If there is a reduction of potential of the normal source by 15 to 40 percent, the loads under § 112.15–1 must be automatically supplied from the temporary emergency power source.

(b) For systems in which a reduction of frequency of the normal source or final emergency power source adversely affects the emergency system and emergency loads, there must be means to transfer the loads under § 112.15–1 to the temporary emergency power source upon a reduction in the frequency of the normal source or final emergency power source.

§ 112.20–10 Diesel or gas turbine driven emergency power source.

Simultaneously with the operation of the transfer means under § 112.20–5, the diesel engine or gas turbine driving the final emergency power source must start automatically with no load on the final emergency power source.

§ 112.20–15 Transfer of emergency loads.

(a) When the potential of the final emergency power source reaches 85 to 95 percent of normal value, the emergency loads under § 112.15–5 must transfer automatically to the final emergency power source and, on a passenger vessel, this transfer must be accomplished in no more than 45 seconds after failure of the normal source of power.

(b) When the potential from the normal source has been restored, the emergency loads must be manually or automatically transferred to the normal source, and the final emergency power source must be manually or automatically stopped.

(c) If the potential of the final emergency power source is less than 75 to 85 percent of normal value while supplying the emergency loads, the temporary emergency loads under § 112.15–1 must transfer automatically to the temporary emergency power source.

Subpart 112.25—Emergency Systems Having an Automatic Starting Diesel Engine or Gas Turbine Driven Emergency Power Source as the Sole Emergency Power Source

§ 112.25–1 General.

This subpart contains requirements applicable to emergency power installations having an automatic starting diesel engine or gas turbine driven emergency power source as the sole emergency power source.

§ 112.25–3 Normal source for emergency loads.

(a) The normal source for emergency loads must be the ship's service generating plant.

(b) The power from the ship's service generating plant for the emergency loads must be supplied to the emergency switchboard by an automatic transfer switch located at the emergency switchboard.

§ 112.25–5 Failure of power from the normal source.

If there is a reduction of potential of the normal source by 15 to 40 percent, the diesel engine or gas turbine driving the final emergency power source must start automatically with no load on the emergency power source.

§ 112.25–10 Transfer of emergency loads.

(a) When the potential of the final emergency source reaches 85 to 95 percent of normal value, the emergency loads under § 112.15–5 must transfer automatically to the final emergency power source and this transfer must be accomplished in no more than 45 seconds after failure of the normal source of power.

(b) When the potential from the normal source has been restored, the emergency loads must be manually or automatically transferred to the normal source, and the final emergency power source must be manually or automatically stopped.

Subpart 112.30—Emergency Systems Having an Automatically Connected Storage Battery as the Sole Emergency Power Source

§ 112.30–1 General.

This subpart contains requirements applicable to emergency power installations having an automatically

connected storage battery as the sole emergency power source.

§ 112.30-3 Normal source for emergency loads.

(a) The normal source for emergency loads must be the ship's service generating plant.

(b) The power from the ship's service generating plant for the emergency loads must be supplied to the emergency loads through automatic transfer switches.

§ 112.30-5 Transfer of emergency loads.

If there is a reduction of potential of the normal source by 15 to 40 percent, the emergency loads under § 112.15-5 must transfer automatically from the normal source to the emergency power source.

§ 112.30-10 Restoration of normal source potential.

When the potential from the normal source is restored to 85 to 95 percent of its normal value, the emergency loads must transfer automatically to the normal source.

Subpart 112.35—Manually Controlled Emergency Systems Having a Storage Battery or a Diesel Engine or Gas Turbine Driven Generator as the Sole Emergency Power Source

§ 112.35-1 General.

This subpart contains requirements applicable to emergency power installations having a manually controlled storage battery, diesel engine, or gas turbine driven generator as the sole emergency power source.

§ 112.35-3 Normal source for emergency loads.

The normal source for emergency loads must be the ship's service generating plant.

§ 112.35-5 Manually started emergency systems.

Manually started emergency lighting and power systems must be activated by one manual operation, such as the manual operation of a switch from an "off" to an "on" position, to cause the emergency system to supply its connected loads.

§ 112.35-7 Activating means.

The activating means must be in the wheelhouse or in a location where the means can be controlled by the chief engineer.

Subpart 112.37—Temporary Emergency Powef Source

§ 112.37-1 General.

Each temporary source of emergency power required by Table 112.05-5(a) must consist of a storage battery of sufficient capacity to supply the temporary emergency loads for not less than one-half hour.

Subpart 112.39—Battery Operated Lanterns

§ 112.39-1 General.

(a) Each battery-operated, relay-controlled lantern used in accordance with Table 112.05-5(a) must—

(1) Have rechargeable batteries;

(2) Have an automatic battery charger that maintains the battery in a fully charged condition;

(3) Not be readily portable; and

(4) Meet UL 924.

§ 112.39-3 Operation.

(a) The lanterns must be capable of providing light at least 6 hours.

(b) The lantern must be relay-controlled so that the loss of normal power causes the lanterns to light.

Subpart 112.40—Alternating-Current Temporary Source of Supply

§ 112.40-1 General requirements.

Installations requiring alternating current for the operation of communication equipment or other apparatus essential under temporary emergency conditions must be provided with the necessary conversion equipment. If the conversion equipment operates both under normal conditions and under temporary emergency conditions, the conversion equipment must be provided in duplicate.

Subpart 112.43—Emergency Lighting Systems

§ 112.43-1 Switches.

An emergency lighting system must not have a switch, except—

(a) In a distribution panel;

(b) As required in § 112.43-3; or

(c) In a circuit that serves a hazardous space such as a paint room or cargo handling room if the switch is located outside of the hazardous location.

§ 112.43-3 Controls; general.

(a) Except as allowed in paragraph (b) of this section and § 112.43-5, emergency lights for the following must be controlled by switches in the wheelhouse:

(1) Lifeboat and liferaft launching operations.

(2) Wheelhouse.

(3) Chartroom.

(4) Navigation equipment.

(b) On a mobile offshore drilling unit, the switches required in paragraph (a) of this section must be in the control room.

§ 112.43-5 Controls on island type vessels.

On an island type vessel, such as a containership, emergency lights for illumination of lifeboat and liferaft launching operations must be controlled from a central location within the island nearest the launching operations or from the wheelhouse.

§ 112.43-7 Wheelhouse distribution panel.

(a) Except as allowed in paragraph (b) of this section, the following emergency lights must be supplied from a distribution panel in the wheelhouse:

(1) Navigation lights not supplied by the navigation light indicator panel.

(2) Floodlights for lifeboat and liferaft launching operations, except as allowed in § 112.43-5 of this part.

(3) Signaling lights.

(4) Emergency lights—

(i) On open decks;

(ii) In the wheelhouse;

(iii) In the chartroom; and

(iv) In the fire control room.

(b) On a mobile offshore drilling unit, the distribution panels required in paragraph (a) must be in the control room.

(c) Each distribution panel required in paragraphs (a) and (b) of this section must have a fused switch or circuit breaker for each branch circuit.

§ 112.43-9 Signaling lights.

Each signaling light must be supplied by a branch circuit that supplies no other equipment.

§ 112.43-11 Illumination for launching operations.

Branch circuits for floodlights for lifeboat and liferaft launching operations must—

(a) Supply no other equipment; and

(b) Be arranged so that floodlights for adjacent lifeboats and liferafts are supplied from different branch circuits.

§ 112.43-13 Navigation light indicator panel supply.

Each navigation light indicator panel must be supplied—

(a) Directly from the emergency switchboard; or

(b) Be a through feed, without switch or overcurrent protection, from the feeder supply the wheelhouse emergency lighting panel.

§ 112.43-15 Emergency lighting feeders.

For a vessel with firescreen bulkheads forming fire zones, at least one emergency lighting feeder must supply only the emergency lights between two adjacent main vertical fire zone bulkheads. The emergency lighting feeder must be separated as widely as

practicable from any general lighting feeder supplying the same space.

§ 112.43-17 Emergency light marking.

Each emergency light must be marked with the letter "E" that is at least ½ inch (12.7 mm) high.

Subpart 112.45—Visible Indicators and Test Switch

§ 112.45-1 Visible indicators.

There must be visible indicators in the machinery space to show:

(a) When an emergency battery is discharging; and

(b) When the automatically controlled emergency power source is supplying the emergency loads.

§ 112.45-5 Test switch.

There must be a test switch at the emergency switchboard to simulate a failure of potential from the normal source and cause the emergency loads to be supplied from the emergency power source.

Subpart 112.50—Emergency Diesel and Gas Turbine Engine Driven Generator Sets

§ 112.50-1 General.

(a) The prime mover of a generator set must have—

(1) All accessories necessary for operation and protection of the prime mover; and

(2) A self-contained cooling system of a size that ensures continuous operation with 100 degrees F (37 degrees C) air.

(b) The fuel used must have a flashpoint of not less than 110 degrees F (43 degrees C).

(c) The room that has the generator set must have intake and exhaust ducts to supply adequate cooling air.

(d) The prime mover must not have a starting aid, except that a thermostatically controlled electric water jacket heater connected to the final emergency bus is permitted.

(e) The generator set must be capable of carrying its full rated load within 20 seconds after cranking is started with the intake air, room ambient temperature, and starting equipment at 32 degrees F (0 degrees C).

(f) The generator set must start by hydraulic, compressed air, or electrical means.

(g) The generator set must lubricate and operate when inclined to the angles specified § 112.05-5(c), and must be arranged so that it does not spill oil under a vessel roll of 30 degrees each side of the vertical.

(h) The generator set must shut down automatically upon loss of lubricating oil pressure, overspeed, or operation of a fixed fire extinguishing system in the emergency generator room (see § 111.12-1(b) for detailed overspeed trip requirements).

(i) If the prime mover is a diesel engine, there must be an audible alarm that sounds on low oil pressure and high cooling water temperature.

(j) If the prime mover is a gas turbine, it must meet the shutdown and alarm requirements in § 58.10-15(g) of this chapter.

(k) An independent fuel supply must be provided for the prime mover.

§ 112.50-3 Hydraulic starting.

A hydraulic starting system must meet the following:

(a) The hydraulic starting system must be a self-contained system that provides the cranking torque and engine starting RPM recommended by the engine manufacturer.

(b) The stored hydraulic pressure must be automatically maintained within the predetermined pressure limits.

(c) The means of automatically maintaining the hydraulic system within the predetermined pressure limits must be electrically energized from the final emergency bus.

(d) There must be a means to manually recharge the hydraulic system.

(e) Charging of the hydraulic starting system must not cause insufficient hydraulic pressure for engine starting.

(f) The hydraulic starting system must have capacity for at least six cranking cycles including the reserve capacity under paragraph (g) of this section.

(g) Capacity for three of the cranking cycles under paragraph (f) of this section must be held in reserve. The system must be arranged so that the operation of one control by one person isolates the discharged or initially used part of the system and allows the reserve capacity to be used.

§ 112.50-5 Electric starting.

An electric starting system must meet the following:

(a) The starting battery must have sufficient capacity for at least six cranking cycles. Each cycle must include at least one-half minute of battery rest.

(b) At the end of the sixth cranking cycle the battery voltage, while cranking the engine, must be at least 50 percent of nominal battery voltage.

(c) Capacity for three of the cranking cycles under paragraph (a) of this section must be held in reserve. The system must be arranged so that the operation of one control by one person allows the reserve capacity to be used.

§ 112.50-7 Compressed air starting.

A compressed air starting system must meet the following:

(a) The starting, charging, and energy storing devices must be in the emergency generator room, except for the main or auxiliary air compressors addressed in paragraph (c)(3)(i) of this section.

(b) The compressed air starting system must provide the cranking torque and engine starting RPM recommended by the engine manufacturer.

(c) The compressed air starting system must have an air receiver that meets the following:

(1) Has capacity for at least six cranking cycles;

(2) supplies no other system; and

(3) is supplied from one of the following:

(i) The main or auxiliary compressed air receivers with a nonreturn valve in the emergency generator room and a handcranked, diesel-powered air compressor for recharging the air receiver.

(ii) An electrically driven air compressor that is automatically operated and is powered from the emergency power source. If this compressor supplies other auxiliaries, there must be a non-return valve at the inlet of the starting air receiver and there must be a handcranked, diesel-powered air compressor for recharging the air receiver.

(d) Capacity for three of the cranking cycles under paragraph (c)(1) of this section must be held in reserve. The system must be arranged so that the operation of one control by one person isolates the discharged or initially used part of the system and allows the reserve capacity to be used.

Subpart 112.55—Storage Battery Installation

§ 112.55-1 General.

Each storage battery installation must meet Subpart 111.15 of this chapter.

§ 112.55-5 Emergency lighting loads.

When supplying emergency lighting loads, the storage battery initial voltage must not exceed the standard system voltage by more than 5 percent.

§ 112.55-10 Storage battery charging.

(a) Each storage battery installation for emergency lighting and power, and starting batteries for an emergency diesel or gas turbine driven generator set, must have apparatus to automatically maintain the battery fully charged.

(b) When the ship's service generating plant is available, the battery must have a continuous trickle charge, except that after discharge the battery must be charged automatically at a higher rate.

(c) Charging operations must not cause an absence of battery power.

(d) There must be instruments to show the rate of charge.

§ 112.55-15 Capacity of storage batteries.

(a) A storage battery for an emergency lighting and power system must have capacity—

(1) To close all watertight doors three times;

(2) To open all watertight doors two times; and

(3) To carry the remaining emergency loads continuously for the time prescribed in Table 112.05-5(a).

(b) At the end of the time specified in paragraph (a) of this section, the potential of the storage battery must be at least 88 percent of the standard voltage.

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

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Subpart 113.70—Smoke Detector Systems

113.70-5 General requirements.

Authority: 46 U.S.C. 170, 367, 369, 375, 390b, 391a, 392, 405, 416, 445, 489, 526p, 49, U.S.C. 1655(b); 49 CFR 1.46.

Subpart 113.05—General Provisions

§ 113.05-5 Approved equipment.

If approved equipment is required in this part, that equipment must be specifically approved by the Commandant.

Note.—Many specifications for equipment that must be approved are in Subchapter Q for this chapter.

Subpart 113.10—Fire Detecting and Alarm Systems and Manual Fire Alarm Systems

§ 113.10-1 Approved equipment.

Each alarm annunciator, fire detector, test station, manual station, and vibrating bell must be approved under Subpart 161.002 of this chapter and meet the requirements of this subpart.

§ 113.10-3 Cable runs.

Cable runs between the fire alarm annunciator and fire detecting or fire alarm zones must be as direct as practicable and, where practicable, must not be in staterooms, lockers, or other enclosed spaces in order to reduce the risk of damage by a localized fire or other cause.

§ 113.10-5 Common return.

A conductor must not be used as a common return from more than one zone.

§ 113.10-7 Connection boxes.

Each connection box that has conductors for more than one zone must be watertight.

§ 113.10-9 Power supply.

(a) *General.* There must be at least two sources of power for the electrical equipment of each fire detecting and alarm system. The normal source must be the main power source. The other source must be the emergency power source or an automatically charged battery. Upon loss of power to the system from the normal source, the system must be automatically supplied from the other source.

(b) *Batteries.* Each battery used in a fire detecting and alarm system must meet Subpart 111.15 of this chapter.

(c) *Capacity of storage battery.* The capacity of each system's storage battery must be sufficient to supply the fire detecting and alarm system for a period of not less than one week without recharging. At the end of the one-week discharge period, the battery potential must not be less than 80 percent of nominal potential under design load.

(d) *Capacity of power supply branch circuit.* The capacity of each branch circuit providing power to a fire detection or alarm system must not be

less than 125 percent of the maximum load.

Subpart 113.20—Automatic Sprinkler Systems

§ 113.20-1 Sprinkler alarm system.

Each sprinkler alarm system, including annunicator, power supply, alarm switches, and bells, must meet Subpart 76.25 of this chapter.

§ 113.20-3 Watertight equipment.

Each connection box and each switch in an automatic sprinkler system must be watertight.

Subpart 113.25—General Alarm Systems

§ 113.25-1 Applicability.

(a) This subpart, except §§ 113.25-25 and 113.25-30, applies to each manned vessel of over 100 gross tons, except barges, scows, and similar vessels.

(b) Section 113.25-25 applies to each manned ocean and coastwise barge of over 100 gross tons if the crew is divided into watches for the purpose of steering.

(c) Section 113.25-30 applies to each barge of 300 or more gross tons that has sleeping accommodations for more than six persons.

§ 113.25-3 Requirements.

Each vessel must have a general alarm system that meets the requirements of this subpart.

§ 113.25-5 Location of contact makers.

(a) *Passenger vessels and cargo and miscellaneous vessels.* Each passenger vessel, cargo vessel, and miscellaneous vessel must have a manually operated contact maker for the general alarm system—

(1) In the wheelhouse; and

(2) At the feeder distribution panel if the general alarm power supply is not in or next to the wheelhouse.

(b) *Tank vessels.* Each tank vessel must have a manually operated contact maker for the general alarm system—

(1) In the wheelhouse;

(2) At the deck officers' quarters farthest from the engineroom;

(3) in the engineroom;

(4) At the location of the emergency means of stopping cargo transfer required under 33 CFR 155.780; and

(5) At the feeder distribution panel if the general alarm power supply is not in or next to the wheelhouse.

(c) *Mobile offshore drilling units.* Each mobile offshore drilling unit must have a manually operated contact maker for the general alarm system—

(1) In the main control room;

(2) At the drilling console;

(3) At the feeder distribution panel;

(4) In the wheelhouse, if a wheelhouse is installed; and

(5) In a routinely occupied space that is as far as practicable from all other contact makers.

(d) *Additional contact maker.* A vessel must not have more than one other contact maker that operates the general alarm system in addition to those required under paragraph (a), (b), or (c) of this section unless the installation of other contact makers has been accepted by the Commandant.

(e) *Special system.* If a vessel has an emergency squad when operating, has a manual fire alarm system, or is an ocean-going passenger vessel, it must have—

(1) An independent manually operated contact maker in the wheelhouse that is connected to operate only the general alarm bells in crew's quarters and machinery spaces; or

(2) A separate alarm system that sounds in the crew's quarters and machinery spaces.

§ 113.25-6 Power supply.

The power supply for the general alarm system must—

(a) Be above the uppermost continuous deck;

(b) Be outside the machinery casing;

(c) Not be in the weather;

(d) Have a nominal potential of not less than 6 volts and not more than 120 volts;

(e) Be—

(1) One storage battery that—

(i) Powers only the general alarm system and the engineers' emergency alarm required by Subpart 113.27 of this chapter;

(ii) Has an automatic charging panel that maintains the battery fully charged, except immediately following a discharge; and

(iii) Has the capacity to supply the general alarm system continuously for at least eight hours without being recharged;

(2) Duplicate storage batteries—

(i) With a manual two-position transfer switch that has no "off" position, connected so that one battery is charging while the other battery is available to power the system; and

(ii) Each having the capacity to supply without recharge—

(A) The general alarm system continuously for at least four hours; and

(B) All other connected loads at the normal demand for at least one week and at the maximum demand for at least eight hours;

(3) A circuit connected to the temporary emergency bus of an emergency switchboard, if the temporary emergency power source has the capacity to supply all connected loads for one half hour and the general alarm system for eight hours without being recharged; or

(4) A circuit from an interior communication switchboard that is supplied by duplicate storage batteries—

(i) With a manual two-position transfer switch that has no "off" position connected so that one battery is charging while the other battery is available to power the switchboard; and

(ii) Each having the capacity to supply without recharge—

(A) The general alarm system continuously for a period of four hours;

(B) All other connected loads at the normal demand for at least one week and at the maximum demand for at least eight hours; and

(f) Have a potential at the end of the discharge period described in paragraph (e) of at least 80 percent of the potential under design load.

§ 113.25-7 Power supply overcurrent protection.

(a) If the general alarm system is the only load supplied by the general alarm system battery or batteries, the battery or batteries must have an enclosed fused switch or circuit breaker that has a means of locking. The fused switched or circuit breaker must be outside of, and next to, the battery room or battery locker, and the capacity of the fuses or circuit breaker must be at least 200 percent of the connected load.

(b) If the general alarm system is supplied from an emergency or interior communication switchboard, or if duplicate general alarm batteries supply other loads as allowed under § 113.25-6(e)(2), there must be a fused switch or circuit breaker supplying the general alarm system that has a means of locking.

§ 113.25-8 Distribution of general alarm system feeders and branch circuits.

(a) Each system must have a feeder distribution panel to divide the system into the necessary number of zone, feeders, except where, because of the arrangement of the vessel, only one zone feeder is necessary; then a branch circuit distribution panel or feeder distribution panel must be used.

(b) The feeder distribution panel must have fuses for each zone feeder, but there must be no disconnect switches.

(c) The feeder distribution panel must be in an enclosed space next to the general alarm battery enclosure.

(d) Each system must have at least one feeder for each vertical fire zone that has general alarm bells.

(e) Each system must have one or more branch circuit distribution panels for each zone feeder, with at least one fused branch circuit for each deck level. The distribution panel must be above the uppermost continuous deck, in the zone served, and there must be no disconnect switches for the branch circuits.

(f) No more than five general alarm bells (with flashing lights as required) may be connected to one branch circuit. A branch circuit must not supply bells on more than one deck level, except for a single branch circuit supplying all levels of a single space containing more than one deck level if all other requirements of this section are met.

(g) On a vessel not divided into fire zones by main vertical fire bulkheads, the vessel must be divided into vertical zones not more than 150 feet (45.7 meters) long, and there must be a general alarm feeder for each of these zones that has general alarm bells.

(h) General alarm feeders and branch circuit cables must be in passageways and must not be in staterooms, lockers, galleys, machinery spaces, or other enclosed spaces, unless it is necessary to supply general alarm bells in those spaces.

§ 113.25–9 Location of general alarm bells.

General alarm bells must—

(a) Be located in passenger and crew quarters areas where they can alert persons in spaces where those persons may be maintaining, repairing, or operating equipment, stowing or drawing stores or equipment, or transiting, such as public spaces, work spaces, machinery spaces, workshops, galleys, emergency firepump room, bow thruster rooms, storage areas for paint, rope, and other stores, underdeck passageways in cargo areas, steering gear rooms, windless rooms, holds of roll-on/roll-off vessels, and, except those that are accessible only through bolted manhole covers, duct keels with valve operators; and

(b) Have the sound level in the spaces specified in paragraph (a) of this section, with the door closed, of at least—

(1) 75 decibels relative to 0.0002 microbar at 1,000 hertz (zero db); and

(2) 6 decibels above the background noise level existing when the vessel is underway in moderate weather unless flashing red lights are utilized in accordance with § 113.25–10 of this subpart.

§ 113.25–10 Location of flashing red lights.

In a space described in § 113.25–9(a), where the bells cannot be heard over the background noise, there must be a flashing red light, in addition to the bell, that—

(a) Has sufficient intensity above the background lighting that would alert personnel in the space;

(b) Is activated whenever the general alarm bells in the space are activated; and

(c) Is supplied by the general alarm system power supply, except for a flashing red light in the main machinery space supplied from the emergency source of power through a relay that is operated by the general alarm system.

§ 113.25–11 Contact makers.

Each contact maker must—

(a) Be a normally open, spring-return-to-normal, enclosed, watertight switch;

(b) Close its contacts when the operating handle is rotated in a clockwise direction through an arc of approximately 60 degrees;

(c) Have a switch handle that has a spring-loaded locking pin to automatically lock the contact maker in the "on" position;

(d) Have the "off" and "on" positions of the operating handle marked by raised letters;

(e) Have mechanical stops to limit the rotation of the operating handle;

(f) Have an inductive load rating not less than the connected load, or, on large vessels, auxiliary devices to interrupt the load current.

§ 113.25–12 Vibrating bells.

Each vibrating bell must produce a signal or a tone distinct from any other audible signal on the vessel.

§ 113.25–14 Electric cable and distribution fittings.

Each cable entrance to a bell or distribution fitting must be made watertight by a terminal or stuffing tube.

§ 113.25–15 Distribution panels.

Each distribution panel must—

(a) Be watertight;

(b) Need a tool to be opened.

§ 113.25–16 Fuses.

(a) Each fuse in a general alarm systems must—

(1) Be a 250-volt, nonrenewable, cartridge fuse approved by Underwriters Laboratories Inc. or other independent laboratory recognized by the Commandant; and

(2) Cause as wide a differential as possible between branch circuit fuses and feeder fuses.

(b) The capacity of a feeder fuse must be as near as practicable to 200 percent of the load supplied. The capacity of a branch circuit fuse must not be higher than 50 percent of the capacity of the feeder fuse.

§ 113.25–20 Marking of equipment.

(a) Each general alarm system fused switch and distribution panel must have a fixed nameplate on the outside of its cover that has a description of its function. The rating of fuses must also be shown on the outside of the cover of a fused switch.

(b) Each general alarm contact maker must be marked "GENERAL ALARM" in red letters on a corrision-resistant plate or on a sign.

(c) A contact maker that operates only the general alarm bells in crew quarters, machinery spaces, and work spaces must be marked "CREW ALARM" by the method described in paragraph (b) of this section.

(d) Each general alarm bell must be marked "GENERAL ALARM—WHEN BELL RINGS GO TO YOUR STATION" in red letters at least ½ inch high.

(e) Each general alarm system distribution panel must have a directory attached to the inside of its cover giving the designation of each circuit, the area supplied by each circuit, and the rating of each circuit fuse.

§ 113.25–25 General alarm systems for manned ocean and coastwise barges.

A manned ocean or coastwise barge of more than 100 gross tons, if it is one that operates with the crew divided into watches for steering the vessel, must have an alarm bell installation. The system must—

(a) Have an automatically charged battery as the power source;

(b) Have a manually operated contact maker at the steering station and in the crew accommodation area; and

(c) Must meet the requirements of § 113.25.7 and §§ 113.25–9 through 113.25–20 of this subpart.

§ 113.25–30 General alarm systems for barges of 300 or more gross tons with sleeping accommodations for more than six persons.

The general alarm system for a barge of 300 or more gross tons with sleeping accommodations for more than six persons must meet the requirements of Subpart 113.25, except as follows:

(a) The number and location of contact makers must be determined by the design, service, and operation of the barge.

Note.—Contact makers in the primary work area, quarters area, galley and mess area, machinery spaces, and the bridge or control area should be considered.

(b) If a distribution panel cannot be above the uppermost continuous deck because of the design of the barge and is installed below the deck, it must be as near the deck as practicable.

Subpart 113.27—Engineers' Assistance-Needed Alarm

§ 113.27-1 Engineers' assistance-needed alarm.

Each self-propelled ocean, Great Lakes, or coastwise vessel must have a manually-operated engineers' assistance-needed alarm that is—

(a) Operated from—

(1) The engine control room, if the vessel has an engine control room; or

(2) The maneuvering platform, if the vessel has no engine control room;

(b) Audible in the engineers' accommodation spaces; and

(c) Powered from the general alarm power source.

Subpart 113.30—Sound-Powered Telephone and Voice Tube Systems

§ 113.30-1 Applicability.

This subpart applies to each self-propelled vessel.

§ 113.30-3 Means of communications.

The means of communication required by this subpart must be a sound-powered telephone system or voice tube system, except a voice tube system must not be used if it is longer than 125 feet (38.1 meters) or if it is ineffective.

§ 113.30-5 Requirements.

(a) *Communication.* Each vessel must have a sound powered telephone system or a voice tube system among the following:

(1) Wheelhouse.

(2) Steering gear room, if outside the engineroom.

(3) Alternative steering station if outside of the steering gear room.

(4) Engine control room, if the vessel has an engine control room.

(5) Maneuvering platform, if the vessel has no engine control room.

(6) Control room, if the vessel is a mobile offshore drilling unit.

(b) *Gyrocompass.* Each vessel that has a master gyrocompass that is not in or next to the wheelhouse must have a means of communication between the master gyrocompass and the wheelhouse repeater compass.

(c) *Radar.* Each vessel that has a radar plan position indicator that is not in or next to the wheelhouse must have a means of communication between the wheelhouse and the radar plan position indicator.

(d) *Emergency squad.* If the emergency squad equipment lockers or spaces are not next to the wheelhouse, there must be a means of communication between the wheelhouse and the emergency squad equipment lockers or spaces.

(e) *Radio and radio direction finder.* Communication to the radio and radio direction finder must meet the following requirements:

(1) Each vessel that has a radio installation must have a means of comunication between the radio room, the wheelhouse, or, if the vessel is a mobile offshore drilling unit, the control room, and any other place from which the vessel may be navigated under normal conditions, other than a place that is only for emergency functions, a place that is only for docking or maneuvering, or a place that is for navigating the vessel in close quarters. A location that has the apparatus that is necessary to steer the vessel, give engine orders, and control the whistle, is a place from which the vessel may be navigated.

(2) If the operating position of the emergency radio installation is not in the compartment normally used for operating the main radio installation, there must be means of communication between the emergency radio room, the wheelhouse, or, if the vessel is a mobile offshore drilling unit, the control room, and any other place from which the vessel may be navigated under normal conditions; other than a place that is only for emergency functions, a place that is only for docking or maneuvering, or a place that is for navigating the vessel in close quarters.

(3) Each vessel equipped with radio direction-finding apparatus that is not in or next to the wheelhouse must have a means of communication between the wheelhouse and the direction-finding apparatus.

(4) The communication system required by this paragraph must be independent of all other systems on the vessel. The location of the termination of these systems is subject to approval by the Federal Communication Commission.

(f) *Fire or smoke detecting systems.* Each vessel equipped with a fire or smoke detecting system, if control units are not in the wheelhouse, must have means of communication between the wheelhouse and the stations where the control units are located.

(g) *Lookout.* Each vessel must have a sound-powered telephone system or a voice tube system for communications between the wheelhouse and the bow or forward lookout station, unless direct voice communication is possible. If there is a sound-powered telephone, it must meet the requirements of § 113.30-20(b).

(h) *Engineroom local control station.* On a vessel equipped with pilothouse control, each local control station in the engineroom must have a sound powered telephone station for communication to the engine control room or maneuvering platform, unless an engine order telegraph is installed in accordance with § 113.35-3(e) of this chapter. Each sound-powered telephone station at a local control station must—

(i) Not be on the same circuit as any other station required by this section, and

(ii) Must provide the capability of carrying on a conversation while the vessel is in operation.

§ 113.30-10 Voice tubes.

Each voice tube must meet Section 37.31 of IEEE Standard No. 45.

§ 113.30-20 Sound-powered telephone system: general requirements.

(a) The telephone stations listed in § 113.30-5 (a) through (d), (f), and (g) and other stations for the operation of the vessel, such as the captain's and chief engineer's offices and staterooms, emergency power room, carbon dioxide control room, and firepump room, must not be on the same circuit as telephone stations installed to meet §§ 113.30-5(e) and 113.30-5(h).

(b) If the bow or forward lookout telephone is in the weather and on the same circuit as other required stations, there must be a cut-out switch in the wheelhouse that can isolate this lookout telephone from the rest of the stations.

(c) Except as provided in paragraph (b) of this section, a telephone station not required by this subpart that is in the weather must not be on a telephone circuit that includes any required telephone stations.

(d) Jack boxes or headsets must not be on a telephone system that includes any station required by this subpart, except for a station installed to meet § 113.30-5(h) of this subpart.

§ 113.30-25 Sound-powered telephone system; detailed requirements.

(a) Each item of sound-powered telephone equipment on a circuit that includes any station required by this subpart, except a system installed to meet § 113.30-5(h) of this Subpart, must be approved by the Commandant.

(b) Each sound-powered telephone station in the weather must be watertight, and the audible signal device must be outside of the station enclosure.

(c) Each sound-powered telephone station in a wheelhouse or a machinery space must be at least dripproof.

(d) In a noisy location, such as a diesel engine room, there must be a telephone booth or other equipment to permit telephone conversation during vessel operation.

(e) In a location where the telephone station audible signal device cannot be

heard throughout the space, there must be an additional audible signal device or light that is energized from the vessel's electric system and that is magneto-actuated.

(f) If two or more telephone stations are near each other, there must be a means that indicates the station called.

(g) Each sound-powered telephone talking circuit must be electrically independent of each calling circuit. A short circuit, open circuit, or ground on either side of a calling circuit must not affect a talking circuit. Circuits must be insulated from ground.

(h) Each connection box must be watertight.

(i) Telephone cables must be run as close to the fore and aft centerline of the vessel as practicable. Cables must not run through such spaces as machinery rooms and galleys.

Subpart 113.35—Engine Order Telegraph Systems

§ 113.35–1 Definitions.

As used in this subpart—

(a) "Indicator" means an instrument in the engine room to receive and acknowledge engine orders; and

(b) "Transmitter" means an instrument to send engine orders to the engineroom and receive acknowledgement from the engineroom.

§ 113.35–3 General requirements.

(a) Each self-propelled vessel, except as provided in paragraph (d) of this section, must have an electric or mechanical engine order telegraph system from the wheelhouse to the engineroom.

(b) On a vessel with more than one propulsion engine, each engine must have this system.

(c) On a double-ended vessel that has two wheelhouses, this system must be between the engineroom and each wheelhouse.

(d) If a small vessel has no engine order telegraph system between the wheelhouse and the engineroom, the propulsion plant must be controlled entirely from the wheelhouse, with no means of normal engine control from the engineroom.

(e) On vessels equipped with pilothouse control, each local control station in the engineroom must have an indicator if—

(1) Manual operation from the local control station is an alternative means of control; and

(2) The local control station is not immediately adjacent to the engineroom control station; and

(3) Sound-powered telephone communication that meets the requirements of § 113.30–5(h) of this chapter is not provided.

§ 113.35–5 Electric engine order telegraph systems; general requirements.

(a) Each electric engine order telegraph system must have transmitters and indicators that are electrically connected to each other.

(b) Each transmitter and indicator face must be divided into sections with engine orders permanently marked on it.

(c) Movement of the transmitter handle and its pointer must cause the indicator to show the order correspondinng to the order on the transmitter.

(d) Each engineroom indicator must have a knob, handle, or pushbuttons that actuates the pointer on the transmitter for acknowledgement of orders.

(e) There must be an audible signal that is a vibrating bell at each instrument. The vibrating bell at both the transmitter and the indicator must ring continuously when the transmitter and the indicator do not show the same order.

(f) Each dial of a transmitter instrument must be illuminated in such a manner as not to interfere with the navigation of the vessel at night.

(g) Each transmitter operating handle must be large enough so that the engine order may be determined from a distance equal to one-half the width of the wheelhouse.

§ 113.35–7 Electric engine order telegraph systems; detailed requirements.

(a) Each telegraph instrument must have a watertight enclosure for the electric components, except that an instrument under § 113.35–17 that is not in the weather must be watertight or dripproof.

(b) Each material for a telegraph instrument must be corrosion-resistant.

(c) Each transmitter dial must be arranged with the "STOP" order at the top vertical position of the operating handle. For "AHEAD" orders, the operating handle must move toward the bow of the vessel, and for "ASTERN" orders, the operating handle must move toward the stern of the vessel.

(d) Each indicator face must have the "STOP" order—

(1) At the top on a pedestal or console-mounted instrument;

(2) At the bottom on a bulkhead-mounted instrument; and

(3) In the center on a pushbutton-operated instrument.

(e) Each indicator face on a double-ended vessel must be parallel to the centerline and must not be marked with the designations "AHEAD" and "ASTERN". The reply handle and indicator arrow must point in the direction in which it is desired that the engine operate.

(f) Each connection box that is in an electric telegraph system must be watertight.

(g) Each system must have an alarm that—

(1) Automatically sounds and visually signals a loss of power to the system;

(2) Is in the wheelhouse; and

(3) Has a means to silence the audible signal.

(h) If the supervisory power supply is a dry cell battery or other low capacity source, there must be a means that precludes electric drain on the supervisory power supply after the audible signal has been silenced such as a means to extinguish the visible signal. Upon reestablishment of power to the telegraph system, the audible signal must sound again until the alarm circuit is returned to normal, unless restoration of this alarm circuit is automatic.

§ 113.35–9 Mechanical engine order telegraph systems; general requirements.

(a) Each mechanical engine order telegraph system must consist of transmitters and indicators mechanically connected to each other by means of chains and wires.

(b) Each transmitter and indicator must have dials divided into sectors or divisions with the engine orders permanently marked on it.

(c) Rotation of the transmitter handle and its associated pointer must drive the indicator pointer in synchronism. The indicator pointer must have the same angular position as the transmitter handle and its associated pointer, and must point to the order corresponding to the order on the transmitter.

(d) The engineroom indicator must have a reply handle and associated pointer that drives a reply pointer in the wheelhouse transmitter for acknowledgement of orders.

(e) Each transmitter and each indicator must have an audible signal device to indicate, in the case of an indicator, the receipt of an order and, in the case of a transmitter, the acknowledgement of an order. The audible signal device must not be dependent upon any source of power for operation other than that of the movement of the transmitter or indicator handle.

(f) The dial of each transmitter must be illuminated in such a manner as not to interfere with navigating the vessel at night.

(g) Each transmitter and indicator handle must be large enough so that the

engine order may be seen from a distance equal to one-half the width of the wheelhouse.

§ 113.35-11 Mechanical engine order telegraph systems; detailed requirements.

(a) A mechanical engine order telegraph system must use—

(1) Number 10 Stubs Gage (0.134 inch diameter) soft brass wire stretched approximately 20 percent prior to installation; or

(2) Corrosion-resistant aircraft-type cable of at least ⅛ inch diameter running over ball bearing sheaves.

(b) The following specific requirements are applicable to a soft brass wire installation:

(1) Pulleys must be provided whenever a bend in the run of the telegraph wire is made.

(2) A length of brass telegraph chain must be used in lieu of wire at each pulley sheave.

(3) Pulleys must be in line with the wire and chain.

(4) Each telegraph lead must have turnbuckles at—

(i) Each transmitter and indicator to adjust the handle and pointer to the central point of the order; and

(ii) Other locations where necessary to take up slack and to center the chains at the pulleys.

(5) Each long horizontal run of telegraph wire must be supported on roller bearers at approximately every five feet of run.

(6) Telegraph leads must be run through pipe where they are—

(i) Behind sheathing; or

(ii) Exposed to mechanical damage.

(c) Each telegraph lead must be in a stuffing tube where it passes through a watertight deck or bulkhead.

(d) Each transmitter dial must have the "STOP" order at the top vertical position of the operating handle. On ahead orders the handle must move toward the bow of the vessel, and on astern orders the operating handle must move toward the stern of the vessel.

(e) Each indicator dial must have the "STOP" order at either the bottom or top position of the reply handle to suit bulkhead or pedestal (console) mounting respectively.

(f) Indicator dials on double-ended vessels must not be marked with the designations "AHEAD" and "ASTERN." The reply handle and indicator arrow must point in the direction in which it is desired that the engine operate.

(g) All fittings used in telegraph systems must be brass, bronze, or other corrosion-resistant material.

(h) Each handle, pointers, and similar part must be attached to its shaft by a key or similar positive locking device to ensure continuous operation of the shaft in response to movement of the handle.

§ 113.35-13 Mechanical engine order telegraph systems; operation.

If more than one transmitter operates a common indicator in the engineroom, all the transmitters must be mechanically interlocked and operate in synchronism. A failure of the transmission wire or chain at any transmitter must not interrupt or disable any other transmitter.

§ 113.35-15 Mechanical engine order telegraph systems; application.

If a mechanical engine order telegraph system is installed on any vessel to provide the communication required by this subpart, the length of cables or other mechanical limitations must not prevent the efficient operation of the system.

§ 113.35-17 Vessels with pilothouse control.

Each vessel with pilothouse throttle control must have a positive mechanical stop on each telegraph transmitter that prevents movement to the "Pilothouse Control" position without positive action by the operator.

§ 113.35-19 Electric engine order telegraphs systems; operation.

(a) Where two or more transmitters, located in the wheelhouse, the wings of the navigating bridge, or the top of the wheelhouse, operate a common indicator in the engineroom, the transmitters must—

(i) Operate in synchronism as required in paragraph (b) of this section; or

(ii) Operate under the control of a transmitter transfer control in accordance with paragraph (c) of this section.

(b) All transmitter handles and pointers must operate in synchronism. Where the transmitters are mechanically interlocked to effect synchronous operation, the requirements of § 113.35-13 must be met.

(c) Except for a transmitter in an unattended wheelhouse on a double-ended vessel, each transmitter must operate under the control of a transmitter transfer control so that movement of any one transmitter handle automatically connects that transmitter electrically to the engineroom indicator and simultaneously disconnects electrically all other transmitters. The reply pointers of all transmitters must operate in synchronism at all times.

(d) On a double-ended vessel that has two wheelhouses, a manually operated transfer switch which will disconnect the system in the unattended wheelhouse must be provided.

Subpart 113.37—Shaft Speed and Thrust Indicators

§ 113.37-1 Applicability.

This subpart applies to all self-propelled vessels.

§ 113.37-5 General requirements.

(a) A vessel equipped with fixed pitch propellers must have in the wheelhouse and at the engineroom control station a propeller speed and direction indicator for each shaft.

(b) A vessel equipped with controllable pitch propellers must have in the wheelhouse and at the engineroom control station a propeller speed and pitch position indicator for each shaft.

§ 113.37-10 Detailed requirements.

(a) Each indicator must be independent of the propulsion control system. A failure of the propulsion control system must not affect the operation of the indicators.

(b) Indicators in the wheelhouse must be installed prominently near the rudder angle indicator and must have illumination that does not interfere with the navigation of the vessel at night.

(c) Each electric component of indicators in the wheelhouse must be watertight or be in a watertight or dripproof enclosure.

(d) Each component material of indicators in the wheelhouse must be corrosion-resistant.

Subpart 113.40—Rudder Angle Indicator Systems

§ 113.40-1 Applicability.

This subpart applies to self-propelled vessels.

§ 113.40-5 General requirements.

The position of the rudder, if power-operated, must be shown at the principal steering station. If there is non-follow-up steering control at the alternative steering station, there must be a separate rudder angle indicator system for that station that is electrically independent from each other rudder angle indicator system.

§113.40-10 Detailed requirements.

(a) Each rudder angle indicator system must have a transmitter at the rudder head that is actuated by movement of the rudder with the angular movements of the rudder transmitted to a remote indicator or indicators. This system must be independent of the steering gear control system.

(b) Each indicator must have a fixed dial that shows the angular position of

the rudder right and left of amidships. Indications of rudder angle must be made by a moving pointer.

(c) The movement of the indicator pointer must match the movement of the steering wheel or control.

(d) Each indicator must be—

(1) In the direct line of vision of the helmsman; and

(2) Have dial illumination that does not interfere with the navigation of the vessel at night.

(e) Each electric component of the system must be watertight or be in a watertight enclosure.

(f) Each component material must be corrosion-resistant.

Subpart 113.43—Steering Failure Alarm Systems

§ 113.43-1 Applicability.

This subpart applies to each vessel of 1600 gross tons and over that has power driven main or auxiliary steering gear.

§ 113.43-3 Alarm system.

(a) Each vessel must have a steering failure alarm system that actuates an audible and visible alarm in the pilothouse when the actual position of the rudder differs by more than 5 degrees from the rudder position ordered by the followup contol systems, required by §§ 58.25-45 and 111.93-9 of this chapter, for more than—

(1) 30 seconds for ordered rudder position changes of 70 degrees;

(2) 6.5 seconds for ordered rudder position changes of 5 degrees; and

(3) The time period calculated by the following formula for ordered rudder positions changes between 5 degrees and 70 degrees:

$t = (R/2.76) + 4.64$

Where

t = maximum time delay in seconds

R = ordered rudder change in degrees

(b) The alarm system must be separate from, and independent of, each steering gear control system, except for input received from the steering wheel shaft.

§ 113.43-5 Power supply.

Each steering failure alarm system must be supplied by a circuit that—

(a) Is independent of other steering gear system and steering alarm circuits;

(b) Is fed from the final emergency power source through the emergency distribution panel in the wheelhouse, if installed; and

(c) Has no overcurrent protection except short-circuit protection by an instantaneous fuse or circuit breaker rated or set at 400 to 500 percent of—

(1) The current-carrying capacity of the smallest alarm system interconnecting conductors; or

(2) The normal load of the system.

Subpart 113.45—Refrigerated Spaces Alarm Systems.

§ 113.45-5 General requirements.

(a) Each refrigerated space that is accessible to the vessel's personnel and that can be locked from the outside so that it cannot be opened from the inside, must have an audible alarm system that can be operated from within the refrigerated space.

(b) The alarm activator must be in the refrigerated space at its exit.

(c) The audible signal must sound at a manned location.

(d) If there is a common audible signal for more than one lockable refrigerated space, there must be an annunciator for locating the space from which the signal was initiated.

Subpart 113.50—Emergency Loudspeaker Systems

§ 113.50-1 Applicability.

This subpart applies to each ocean and coastwise passenger vessel certificated to carry 500 or more persons, including officers and crew, and each passenger vessel that has lifeboats stowed more than 100 feet (30.5 meters) from the navigating bridge.

§ 113.50-5 General requirements.

(a) Each vessel must have an approved emergency loudspeaker system that enables an officer on the bridge to broadcast separately or collectively to the following stations:

(1) Lifeboat stations, port.

(2) Lifeboat stations, starboard.

(3) Lifeboat embarkation stations, port.

(4) Lifeboat embarkation stations, starboard.

(5) Public spaces used for passenger assembly stations.

(6) Crew quarters.

(7) Accommodation spaces and service spaces.

(b) The system must be controlled from one location on the navigating bridge.

(c) Each loudspeaker at a lifeboat or embarkation station must allow two-way conversation with the navigating bridge.

(d) Each emergency loudspeaker system must be approved by the Commandant, and must meet the requirements of Subpart 161.004 of this chapter.

(e) If a vessel has a public address or music distribution system, there must be a means to silence that system. This means must be next to the loudspeaker system control panel.

§ 113.50-15 Location of loudspeakers and amplifiers.

(a) *General.* (1) Loudspeakers must be located where there is no substantial feedback and other interference.

(2) Each loudspeaker on an open deck must be directed toward the after end of the vessel and outboard by an angle of approximately 15 degrees.

(b) *Boat deck loudspeakers.* A loudspeaker must be at each lifeboat-handling station. The axis of the loudspeaker must be directed aft and outboard so that the sound level at the lifeboat-handling station is not less than the level given in Table 113.50-15.

TABLE 113.50-15—MINIMUM SOUND LEVEL REQUIREMENTS FOR LOUDSPEAKER SYSTEMS

[All data given in decibels [1]]

Location	Minimum assumed background noise level [2]	Signal level		Voice level	
		Above-background noise	Total (minimum)	Above-background noise	Total (minimum)
Lifeboat station	80	20	[3] 100	15	[3] 95
Embarkation deck or exterior passenger assembly point	80	20	[3] 100	15	[3] 95
Interior passenger assembly point	75	20	[3] 95	15	[3] 90
Crew quarters, accommodation space, or service space	60	18	[4] 78	12	[4] 72

[1] The zero decibel level is 0.0002 dyne per cm^2.

[2] Actual background noise level must be used but can be no less than the level in this table.

[3] Measured at a distance of 10 ft. (3 m) from the loudspeaker and on its axis.

[4] Measured in rooms with the doors to the passageways closed.

(c) *Lifeboat embarkation and passenger assembly station loudspeakers.* There must be enough loudspeakers throughout the lifeboat embarkation stations and passenger assembly stations to provide a distribution of sound of at least the level in Table 113.50-15, and with a variation that does not exceed plus or minus 3 decibels.

(d) *Loudspeakers in quarters, accommodation spaces, and service spaces.* There must be enough loudspeakers in passageways, throughout crew quarters, accommodation spaces, and service

spaces to provide at least the sound level in Table 113.50–15 in each room, with the doors closed.

(e) *Amplifiers.* An emergency loudspeaker amplifier that is not in the same enclosure as the control panel must be in the wheelhouse or in a compartment next to the wheelhouse.

§ 113.50–20 Distribution of Cable runs.

(a) Cable runs to the different loudspeaker groups must be as widely separated from each other as practicable. They must be distributed so that a casualty to the port or starboard supplies to loudspeakers on boat and embarkation decks will not render more than half of the loudspeakers in the group inoperative, such as by feeding the loudspeakers of a particular group alternatively from a port and starboard multi-conductor cable.

(b) Cables must be in passageways and must not run through staterooms, lockers, and other enclosed spaces.

§ 113.50–25 Equipment enclosures.

Each junction or connection box in the distribution system must be watertight.

Subpart 113.65—Whistle Operators

§ 113.65–5 General requirements.

Each whistle operator must meet Section 37.25 of IEEE Standard No. 45.

Note: The general requirements for whistles and fog horns are in Part 25 of Subchapter C (Uninspected Vessels), Part 32 of Subchapter D (Tank Vessels), Part 77 of Subchapter H (Passenger Vessels), Part 96 of Subchapter I (Cargo and Miscellaneous Vessels), Part 107 of Subchapter IA (Mobile Offshore Drilling Units), and Part 195 of Subchapter U (Oceanographic Vessels) of this chapter.

Subpart 113.70—Smoke Detector Systems

§ 113.70–5 General requirements.

(a) Each smoke detector control unit must be approved by the Commandant.

(b) Each smoke detector system must meet the requirements of Subpart 161.002 of this chapter.

(c) Cable runs between the smoke detector control unit and the supply switchboard must be as direct as practicable, and must not run through staterooms, lockers or other enclosed spaces in order to reduce the risk of damage by a localized fire or other cause.

PARTS 114—139 [RESERVED]

PARTS 161—ELECTRICAL EQUIPMENT

40. By revising § 161.002–9 to read as follows:

§ 161.002–9 Automatic fire detecting system, power supply.

The power supply for an automatic fire detecting system must meet the requirements of § 113.10–9 of Subchapter J (Electrical Engineering Regulations) of this chapter.

PART 190—CONSTRUCTION AND ARRANGEMENT

§ 190.20–45 [Amended]

41. By removing and reserving § 190.20–45(b).

PART 192—LIFESAVING EQUIPMENT

42. By removing in the last sentence in § 192.30–15(a) the words "of Subpart 111.65 of Part 111."

43. By revising § 192.50–10 to read as follows:

§ 192.50–10 Illumination of lifeboat launching operations.

Each vessel subject to this subchapter must have lights for the continuous illumination of lifeboats that are being launched and lifeboats that are in the water in the immediate vicinity of the vessel. For detailed requirements of the illumination, see Subchapter J (Electrical Engineering Regulations) of this chapter.

44. By revising the section heading and text of § 192.50–15 to read as follows:

§ 192.50–15 Illumination for inflatable liferaft launching operations.

Each vessel subject to this subchapter must have lights for the continuous illumination of the stowage position and launching area of liferafts. For detailed requirements of the illumination, see Subchapter J (Electrical Engineering Regulations) of this chapter.

PART 196—OPERATIONS

45. By revising the section heading and text of § 196.37–5 to read as follows:

§ 196.37–5 General alarm bell contact makers.

(a) Each general alarm contact maker must be marked in accordance with requirements in Subpchapter J (Electrical Engineering Regulations) of this chapter.

(46 U.S.C. 170, 367, 369, 375, 390b, 391a, 392, 405, 416, 445, 489, 526p, 49 U.S.C. 1655(b); 49 CFR 1.46)

Dated: March 30, 1982.

L. N. Hein,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

BILLING CODE 4910-14-M

Editorial Note:

Material Approved for Incorporation by Reference (46 CFR Parts 110–139)

The Director of the Federal Register approves the following incorporations by reference effective April 8, 1982 (5 U.S.C. 552(a) and 1 CFR Part 51).

American Bureau of Shipping	
65 Broadway, New York, NY 10006	
Rules for Building and Classing Steel Vessels, 1981	111.12–3; 111.12–5(a); 111.12–7; 111.30–31; 111.33–11(a)(1); 111.35–1
American National Standards Institute	
1430 Broadway, New York, NY 10018	
ANSI C37.04–1979—Rating Structure for AC High-Voltage Circuit Breakers Rated on a Symmetrical Current Basis	111.54–1(c)(3)(i)
ANSI C37.12–1969—High-Voltage Circuit Breakers Rated on a Symmetrical Current Basis and a Total Current Basis	111.54–1(c)(3)(iii)
ANSI C37.14–1979—Low-Voltage DC Power Circuit Breakers Used in Enclosures	111.54–1(c)(2)
American Society for Testing and Materials	
1916 Race St., Philadelphia, PA 19103	
ASTM B 117–73—Standard Method of Salt Spray (FOG) Testing	110.15–1(b)
ASTM D 789–78—Standard Specification for Nylon Injection Molding and Extrusion Materials	111.60–1(b)(4)
American Society of Mechanical Engineers	
345 E. 47th St., New York, NY 10017	
ANSI A17.1–1978 American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks	111.91–1
Institute of Electrical and Electronics Engineers	
345 E. 47th St., New York, NY 10017	
C 37.13–1981 Low–Voltage AC Power Circuit Breakers Used in Enclosures (ANSI/IEEE C 37.13–1981)	111.54–1(c)(1)(i); 111.57(c)(4)
No. 27–1974 Switchgear Assemblies Including Metal–Enclosed Bus (ANSI/IEEE C 37.20–69 and Supplements)	110.30–23
No. 45–1977 Recommended Practice for Electric Installations on Shipboard	110.30–19(b); 111.60–1; 111.60–3(a), (b); 111.60–5(a); 111.60–19(b)(3); 111.60–21; 111.107–1(b)(2); 113.30–10; 113.65–5
No. 320–1979 Application Guide for AC High–Voltage Circuit Breakers Rated on a Symmetrical Current Basis (ANSI/IEEE C37.010–1979).	111.54–1(c)(3)(ii)
No. 331–1972 Low–Voltage AC Non–Integrally Fused Power Circuit Breakers (Using Separately Mounted Current–Limiting Fuses) (ANSI C37.27–1972).	111.54–1(c)(1)(iii)
No. 538–1976 Low–Voltage AC Integrally Fused Power Circuit Breakers (ANSI C37.13a–1975)	11.54–1(c)(1)(ii); 111.57–1 (Note)
Instrument Society of America	
400 Stanwix St., Pittsburgh, PA 15222	
RP 12.6–1976 Installation of Intrinsically Safe Instrument Systems in Class I Hazardous Locations	111.105–15(b)(2)
National Electrical Manufacturers Association	
2101 L St. NW, Washington, DC 20036	
WC–3–1980 Rubber–Insulated Wire Cable for the Transmission and Distribution of Electrical Energy	111.60–13(a)2), (c)
WC–8–1980 Ethylene–Propylene–Rubber–Insulated Wire and Cable for the Transmission and Distribution of Electrical Energy.	111.60–13(a)(3), (c)
National Fire Protection Association	
470 Atlantic Ave., Boston, MA 02210	
No. 56A–1973 Standard for the Use of Inhalation Anesthetics	111.105–37

No. 70–1981 The National Fire Code	111.05–33; 111.20–15; 111.25–5(a); 111.30–19(d), (f)(1); 111.50–3(c), (d), (f), (h); 111.50–7(a); 111.50–9; 111.53–1(a); 111.54–1(a); 111.55–1(a); 111.59–1(a); 111.60–7; 111.60–11(f); 111.60–13(b)(1), (2), (c); 111.70–1; 111.79–1(c); 111.81–5; 111.83–3(a); 111.89–1; 111.105–1; 111.105–5; 111.105–7; 111.105–39(b); 111.107–1(a)
No. 77–1977 Recommended Practice for Static Electricity	111.105–27
No. 496–1974 Standard for Purged and Pressurized Enclosures for Electrical Equipment in Hazardous Locations	111.105–7(b); 111.105–10

Naval Publications and Forms Center
Customer Serv–Code 1052, 5801 Tabor Ave., Philadelphia, PA 19120

Military Specifications:

MIL–C–915E–1972 (with 1980 Amend) Cable and Cord, Electrical, for Shipboard Use	111.60–1(a); 111.60–13(a)(4)
MIL–M–15562F–1977 Matting or Sheet, Floor Covering, Insulating for High Voltage Application	111.30–11
MIL–W–76B–1960 (with 1962 Amend) Wire and Cable, Hook–up, Electrical	111.60–11(e)(1)
MIL–W–16878D–1961 (with 1967 Amend) Wire Electrical (Insulated High Temperature)	111.60–11(e)(2)

Naval Sea Systems Command
Naval Publications and Forms Center, Customer Serv–Code 1052, 5801 Tabor Ave., Philadelphia, PA 19120

DDS 304–2–1974 Electrical Cables, Ratings, and Characterisitcs	111.60–1(a)(3)
DDS 9620–3–1962 AC Fault Current Calculations	111.52–5(b)

Underwriters Laboratories, Inc.
21333 Pfingsten Rd., Northbrook, IL 60062

UL 20–1979 General Use Snap Switches	111.55–7
UL 44–1977 (revised through Nov. 1980) Rubber–Insulated Wires and Cables	111.60–11(e)(3), (f)
UL 50–1980 (revised through July 1980) Electrical Cabinets and Boxes	111.81–13
UL 62–1979 Flexible Cord and Fixture Wire	111.13(a)(1)
UL 67–1979 (revisions and MSs through Nov. 1979) Panelboards	111.40–1
UL 73–1981 Motor Operated Applicances	111.77–5(a)
UL 83–1980 Thermoplastic–Insulated Wires	111.30–19(f)(4); 111.60–1(b)(1), (3); 111.60–11(e)(4); 111.60–11(f)
UL 98–1974 (revisions and MSs through July 1980) Enclosed Switches	111.55–9
UL 104–1973 Elevator Door Locking Devices and Contacts	111.91–3
UL 197–1978 (revisions and MSs through Nov. 1979) Commercial Electric Cooking Applicances	111.77–3(a)
UL 250–1979 (revisions through Apr. 1979) Household Refrigerators and Freezers	111.77–9
UL 347–1979 High–Voltage Industrial Control Equipment	111.70–3(d)
UL 363–1980 Knife Switches	111.55–5
UL 399–1978 (revisions thorugh Apr. 1980) Drinking Water Coolers	111.77–11
UL 471–78 (revisions through Apr. 1980) Commercial Refrigerators and Freezers	111.77–9
UL 486A–1978 Electric Wire Connectors and Soldering Lugs for Use With Copper Conducters	111.60–17(d); 111.60–19(b)(1)
UL 489–1980 (revisions and MSs through Dec. 1980) Molded Case Circuit Breakers and Circuit Breakers Enclosures	111.54–(b); 111.57–1(c)(3), (Note)
UL 498–1979 (revisions through Jan. 1979) Electrical Attachment Plugs and Attachment Plugs and Receptacles	111.79–1(d)
UL 508–1977 (revisions and MSs through Jan. 1981) Electric Industrial Control Equipment	111.70–3(d)
UL 514–1979 (revisions and MSs through Apr. 1980) Electrical Outlet Boxes and Fittings	111.81–13

UL 595–1979 (revisions through Oct. 1980) Marine Type Electric Lighting Fixtures	111.60–11; 111.75–20(a)
UL 749–1978 (revisions through Dec. 1979) Household Electric Dishwashers	111.77–7
UL 845–1980 Electric Motor Control Centers	111.70–3(d)
UL 857–1980 Busways and Associated Fittings	111.59–1(b)
UL 921–1978 (revisions through Oct. 1980) Commercial Electric Dishwashers	111.77–7
UL 924–1979 (revisions through Feb. 1979) Emergency Lighting Equipment	112.39–1(a)(4)
UL 1025–1980 (revisions and MSs through Nov. 1980) Electric Air Heaters	111.87–3(a)
UL 1042–1979 Electric Baseboard Heating	111.87–3(a)(1)
UL 1096–1981 (revisions through Jan. 1981) Electric Central Air Heating Equipment	111.87–3(a)(2)
UL 1104–1981 Marine Navigation Lights	111.75–17(d)
UL 1236–1978 (revisions and MSs through Feb. 1980) Electric Battery Chargers	111.15–30

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federal register

Thursday
April 8, 1982

Part III

Department of the Interior

Bureau of Land Management

Rights-Of-Way, Principles and Procedures; Amendment of Right-of-Way Regulations; Rights-of-Way Under the Mineral Leasing Act; Amendment to Oil and Gas Rights-of-Way Regulations

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2800

Rights-of-Way, Principles and Procedures; Amendment of Right-of-Way Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would further eliminate needless, burdensome and counterproductive provisions contained in the existing right-of-way regulations for grants made under the provisions of Title V of the Federal Land Policy and Management Act of 1976. This proposed rulemaking is the result of further study of the existing regulations made in an effort to reduce the paperwork burden on the using public and from analysis of the comments received from the public suggesting changes in the regulations.

DATE: Comments should be received by June 7, 1982.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240. Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT:
Leon Kabat (202) 653–8842; or
Robert C. Bruce (202) 343–8735

SUPPLEMENTARY INFORMATION: After the publication of the proposed rulemaking on 43 CFR Part 2800, Rights-of-Way, Principles and Procedures, in the **Federal Register** of August 5, 1981 (46 FR 39968), the Department of the Interior, in keeping with the policy of the Administration to identify needless, burdensome and counterproductive regulations, continued to study the right-of-way regulations in an effort to identify additional changes that might be made that would reduce the needless, burdensome and counterproductive provisions of the regulations. The study also encompassed comments made by the public on the publication of August 5, 1981. The study resulted in the identification of additional changes that could be made that would lessen the regulatory burden on the using public. This proposed rulemaking contains those changes.

Section 2800.0–5(1), definition of the term "Right-of-way corridor" would be amended to make it clear that a right-of-way corridor, when designated, is the preferred location for right-of-way grants issued in that area. The existing provision has led to some confusion and the amendment should clarify the section.

An additional change to the definitions section would eliminate some confusion surrounding corridor designation by adding "transportation and utility corridor" which defines that term.

Section 2801.1–1(h), Nature of right-of-way interest, would be amended to remove unnecessary language dealing with reasons for limiting the term of a right-of-way grant. The amendment will clarify and simplify the section.

Paragraph (d) of § 2801.1, Preapplication activity, would be amended to remove language dealing with what constitutes casual use.

Section 2802.4(g), Application processing, would be amended to remove the requirement that an applicant accept, in writing, the terms and conditions of the grant. The amendment would give the authorized officer issuing the grant authority to issue a right-of-way grant or temporary use permit after completion of the application processing which would become effective 30 days after issuance unless rejected or appealed by the applicant. The applicant can give written consent to accelerate the effective date of the grant or permit. This provision has been the subject of criticism and the change should shorten the application approval process.

Section 2802.5, Special application procedures, would be amended to exempt all unauthorized rights-of-way that were in existence before October 21, 1976, the date of the enactment of the Federal Land Policy and Management Act, for which the application is now made, from application processing costs presently required of right-of-way applicants. This change is being made only as an incentive to assist in resolving questions of unauthorized use for rights-of-way in existence on the effective date of the Federal Land Policy and Management Act.

Section 2803.1–2, Rental fees, would be amended by adding a new paragraph (f) which would allow the holder of a right-of-way grant to make rental payments for several years in advance, regardless of the amount, if a written request to do so was submitted. The amendment expressly reserves the right of the authorized officer to adjust and collect additional rentals when an increase in fair market value requires it. This amendment will allow right-of-way grant holders to pay several years' rental in advance so they do not have to worry about it on a year-to-year basis while also allowing the Bureau of Land Management to retain the authority it needs to adjust the rentals to keep up with changes in a fair market value.

Section 2803.4(b), Suspension and termination of right-of-way authorizations, would be amended to remove subjective language relating to the holder's failure to comply with the requirements for a right-of-way grant and would make a determination based on factual conditions, the basis for suspension or termination. This amendment will remove language that has been the focus of complaints by the using public.

Section 2803.6–1, Amendments, would be amended by deleting language in paragraph (b) which would authorize the authorized officer to require the holder of a right-of-way grant issued prior to October 21, 1976, to amend the right-of-way grant. This authority has been questioned and its removal will resolve these questions. However, this change does not in any way lessen the authority of the Bureau of Land Management to take action it deems necessary to bring about compliance with the terms and conditions of a right-of-way grant or temporary use permit.

Section 2803.6–5, Renewals of right-of-way grants and temporary use permits, would be amended by deleting the last sentence of paragraph (a) because it is not needed. The language of § 2801.1–1(j) which requires that the grant contain provisions as to its renewability and the terms and conditions of any such renewal would be controlling on this subject.

Paragraph (b) of § 2806.1, Corridor designation, would be amended by inserting language that clarifies the meaning of the section. The new language makes clear the original intent of Title V of the Federal Land Policy and Management Act and the regulations that a right-of-way corridor can be designated, without further review, only where there is an existing transportation and utility right-of-way corridor, as that term would be defined by this proposed rulemaking.

A further amendment to § 2806.1 would be the deletion of paragraph (c) in its entirety. The Bureau of Land Management's experience with the regulations has shown that the requirement to publish the designation of a right-of-way corridor in the **Federal Register** does not really serve to give the public notice of the designation of a corridor.

Fianlly, § 2806.2–1, Procedures for designation, would be amended by revising paragraph (a) to shorten the language and make the intent clearer. The extensive language for coordination

is not needed at this point in the regulations because the coordination has already taken place as part of the land use planning process. Even though the requirement for additional coordination is being removed, it does not preclude the authorized officer from taking any steps deemed appropriate to obtain any coordination felt necessary and would delete the words "utility transportation" from the first sentence of paragraph (b) because they are no longer needed.

The principal author of this proposed rulemaking is Leon Kabat, Division of Rights-of-Way, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the national Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The information collection requirements contained in 43 CFR Part 2800 have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507. The collection of this information will not be required until it has been approved by the Office of Management and Budget.

List of Subjects in 43 CFR Part 2800

Administrative practice and procedure, communications, electric power, highways and roads, Pipelines, Public lands—rights-of-way.

PART 2800—RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Under the authority of Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761–1771), it is proposed to amend Part 2800, Group 2800, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations as set forth below:

§ 2800.0–5 [Amended]

1. Section 2800.0–5 is amended by:

(a) Revising paragraph (l) to read:

* * * * *

(l) 'Designated right-of-way corridor' means a parcel of land either linear or areal in character that has been identified by law, by Secretarial Order, through the land use planning process or by other management decision as being a preferred location for existing and future right-of-way grants and suitable to accommodate more than 1 type of right-of-way or 1 of more rights-of-way which are similar, identical or compatible.; and

* * * * *

(b) Adding a new paragraph (n) to read:

* * * * *

(n) 'Transportation and utility corridor' means a parcel or strip of land that is being used as the location for more than 1 transportation or utility right-of-way.

§ 2801.1–1 [Amended]

2. Section 2801.1–1(h) is amended by:

(a) Removing from the fifth sentence the phrase "no longer than is";

(b) Removing paragraph (h)(1) in its entirety;

(c) Renumbering paragraph (h)(2) as paragraph (h)(1) and revising it to read:

* * * * *

(h) * * *

(1) Public purpose served;

* * * * *

(d) Renumbering paragraph (h)(3) as paragraph (h)(2) and amending it by adding at the end the word "and";

(e) Removing paragraph (h)(4) in its entirety;

(f) Renumbering paragraph (h)(5) as paragraph (h)(3) and amending it by removing the word "; and" at the end and adding a period; and

(g) Removing paragraph (h)(6) in its entirety.

§ 2802.1 [Amended]

3. Section 2802.2.1(d) is amended by removing the second sentence in its entirety.

§ 2802.4 [Amended]

4. Section 2802.4(g) is revised to read:

* * * * *

(g) The authorized officer shall, upon completion of the processing of an application for a right-of-way grant or temporary use permit, issue a grant or permit which shall become effective 30 days from the date of issuance unless rejected or appealed in writing by the applicant. The applicant may accelerate the effective date by submitting a written acceptance of the grant or permit within the 30 day period. If an applicant allows a grant or permit to become effective or gives written cansent, that shall constitute an agreement between the applicant and the United States that, in consideration of the right to use the public lands, the applicant shall comply with all terms and conditions contained in the authorization and the provisions of applicable laws and regulations.

§ 2802.5 [Amended]

5. Section 2802.5 is amended by:

(a) Revising paragraph (a) to read:

(a) Required to reimburse the United States for the processing, monitoring or other costs provided for in § 2803.1–1 of this title

* * * * *

(b) Removing paragraph (b) in its entirety; and

(c) Renumbering paragraph (c) as paragraph (b).

§ 2803.1–2 [Amended]

6. Section 2803.1–2 is amended by adding a new paragraph (f) to read:

* * * * *

(f) Upon the holder's written request, annual rentals, regardless of the amount, may be paid in advance. Such advance payments shall be made subject to the right of the authorized officer to adjust and collect additional rentals when warranted by changes in fair market value.

§ 2803.4 [Amended]

7. Section 2803.4(b) is amended by removing the phrase "is unwilling, unable or".

§ 2803.6–1 [Amended]

8. Section 2803.6–1(b) is amended by removing from the first sentence the phrase "or are directed by the authorized officer".

§ 2803.6–5 [Amended]

9. Section 2803.6–5(a) is amended by removing the last sentence in its entirety.

§ 2806.1 [Amended]

10. Section 2806.1 is amended by:

(a) Amending paragraph (b) by revising the first sentence to read:

* * * * *

(b) Any existing transportation and utility corridor that is capable of accommodating an additional compatible right-of-way may be designated as a right-of-way corridor by the authorized officer without further review as required in § 2806.2 of this title and * * *

(b) Removing paragraph (c) in its entirety.

§ 2806.2 [Amended]

11. Section 2806.2 is amended by removing the phrase "designations of" and replacing it with the phrase "of designated".

§ 2806.2–1 [Amended]

12. Section 2806.2–1 is amended by:

(a) Revising paragraph (a) to read:

(a) The designation of a right-of-way corridor shall be by decision of the authorized officer. A land use plan or plan amendment which contains the designation of a right-of-way corridor(s) meets the notification requirements of this section.; and

* * * * *

(b) Amending paragraph (b) by removing from the first sentence the phrase "utility transportation".

Garrey E. Carruthers

Assistant Secretary of the Interior.

January 27, 1982.

[FR Doc. 82-9484 Filed 4-7-82; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Part 2880

Rights-of-Way Under the Mineral Leasing Act; Amendment to Oil and Gas Rights-of-Way Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would further eliminate needless, burdensome and counterproductive provisions contained in the existing right-of-way regulations for grants issued under the Mineral Leasing Act of 1920, as amended.

DATE: Comments should be received by June 7, 1982.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240. Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Leon Kabat (202) 653-8842; or
Robert C. Bruce (202) 343-8735

SUPPLEMENTARY INFORMATION: After the publication of the proposed rulemaking on 43 CFR 2880, Rights-of-Way Under the Mineral Leasing Act, in the **Federal Register** of August 5, 1981 (46 FR 39964), the Department of the Interior, in keeping with the policy of the Administration to identify needless, burdensome and counterproductive regulations, continued to study the oil and gas right-of-way regulations in an effort to identify additional changes that might be made that would reduce the needless, burdensome and counterproductive provisions of the regulations. The study also encompassed comments made by the public on the publication of August 5, 1981. The study resulted in the identification of additional changes that could be made that would lessen the regulatory burden on the using public. This proposed rulemaking contains those changes.

Paragraph (c) of § 2882.1, Pre-application activity, would be revised to remove language that has been construed by some of the public as a hindrance to complete cooperation during the preapplication consultation period.

Section 2882.3(1), Application processing, would be amended to remove the requirement that an applicant accept, in writing, the terms and conditions of the grant. The amendment would give the authorized officer issuing the grant authority to issue a right-of-way grant or temporary use permit after completion of the application processing which would become effective 30 days after issuance unless rejected or appealed by the applicant. The applicant can give written consent to accelerate the effective date of the grant or permit.

Section 2883.1-2, Rental payments, would be revised to remove the precise language covering rental payments and provide that the rental payments be made in accordance with the provisions of § 2803.1-2, except that the reduced rental provisions of paragraph (c) of that section would not be applicable. Among other changes, it would incorporate in this part authority for the authorized officer to collect several years' annual rental in advance if requested by the holder. The authorized officer would have express authority to adjust and collect additional rentals when an increase in fair market value requires it. This revision will standardize the rental requirements for all rights-of-way and will reduce the burden imposed on the using public by allowing them to pay several years' rental so they do not have to worry about it on a year-to-year basis, while allowing the Bureau of Land Management to take necessary action to obtain fair market value for the lands used for a right-of-way.

Section 2882.6-1, Suspension and termination of right-of-way grants, would be amended by removing subjective language relating to the holder's failure to comply with the requirements for a right-of-way grant in paragraph (a)(1) and would make a determination based on factual conditions the basis for suspension or termination. This amendment will remove language that has been the focus of complaints by the using public.

Section 2883.7, Change in Federal jurisdiction or disposal of lands, would be revised to substitute language similar to that in § 2803.6 of the existing regulations. The revised language is shorter, provides needed flexibility in this area and continues to provide equal protection for the holder and the United States.

Finally, § 2883.8, Restoration, would be revised to substitute language from § 2803.4-1 that is shorter, provides needed flexibility on this point and continues to provide equal protection for the holder and the United States.

The principal author of this proposed rulemaking is Leon Kabat, Division of Rights-of-Way, assisted by the staff of the Office of Legislation and Regulation Management, Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the qualify of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The information collection requirements contained in 43 CFR Part 2880 have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507. The collection of this information will not be required until it has been approved by the Office of Management and Budget.

List of Subjects in 43 CFR Part 2880

Administrative practice and procedure, common carriers, oil and gas industry, pipelines, public lands—rights-of-way.

PART 2880—RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Under the authority of section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), it is proposed to amend Part 2880, Group 2800, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations as set forth below:

§ 2882.1 [Amended]

* * * * *

(c) No right-of-way applications processing work, other than that incurred in the processing of applications for permits for temporary use of public lands in furtherance of the filing of an application and pre-application guidance under paragraph (b) of this section, shall be undertaken

by the authorized officer prior to the filing of an application together with an advance payment as required by § 2803.1–1 of this title. Such processing work includes, but is not limited to, special studies such as environmental analyses, environmental statement, engineering surveys, resource inventories and detailed land use or record analyses.

* * * * *

§ 2882.3 [Amended]

2. Section 2882.3(l) is revised to read:

* * * * *

(l) The authorized officer shall, upon completion of the processing of an application for a right-of-way grant or temporary use permit, issue a grant or permit which shall become effective 30 days from the date of issuance unless rejected or appealed in writing by the applicant. The applicant may accelerate the effective date by submitting a written acceptance of the grant or permit within the 30 day period. If an applicant allows a grant or permit to become effective or gives written consent, that shall constitute an agreement between the applicant and the United States that, in consideration for the right to use the public lands, the applicant shall comply with all terms and conditions contained in the authorization and the provisions of applicable laws and regulations.

3. Section 2883.1–2 is revised to read:

§ 2883.1–2 Rental payments.

Holders of right-of-way grants and temporary use permits issued under this part shall make rental payments in accordance with § 2803.1–2 of this title, except that the provisions of § 2803.1–2(c) of this title shall not apply.

§ 2883.6–1 [Amended]

4. Section 2883.6–1(a)(1) is amended by removing the phrase "is unwilling, unable or".

5. Section 2883.7 is revised to read:

§ 2883.7 Change in Federal jurisdiction or disposal of lands.

(a) Where a right-of-way grant or temporary use permit administered under these regulations traverses Federal lands that are transferred to another Federal agency, administration of the right-of-way shall, at the discretion of the authorized officer, be assigned to the acquiring agency unless such assignment would diminish the rights of the holder.

(b) Where a right-of-way grant or temporary use permit traverses Federal lands that are transferred out of Federal ownership, the transfer of the lands shall, at the discretion of the authorized officer, either include an assignment of the right-of-way, or be made subject to the right-of-way or the United States may reserve unto itself the lands encumbered by th right-of-way.

6. Section 2883.8 is revised to read:

§ 2883.8 Restoration of Federal lands.

Within a reasonable time after termination, revocation or cancellation of a right-of-way grant, the holder shall, unless directed otherwise in writing by the authorized officer, remove such structures and improvements and restore the site to a condition satisfactory to the authorized officer. If the holder fails to remove all such structures and improvements within a reasonable period, as determined by the authorized officer, they shall become the property of the United States, but the holder shall remain liable for the cost of removal of the structures and improvements and for restoration of the site.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

January 27, 1982.

[FR Doc. 82–9485 Filed 4–7–82; 8:45 am]

BILLING CODE 4310–84–M

federal register

Thursday
April 8, 1982

Part IV

Department of Housing and Urban Development

Office of Assistant Secretary for Community Planning and Development

Community Development Block Grants: State's Program

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-82-940]

Community Development Block Grants: State's Program

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This final rule establishes policies and procedures for the State Community Development Block Grant (CDBG) Program. Under the State's Program, each State may elect to administer the CDBG funds for its nonentitlement areas. The statute which authorizes the State's Program and these regulations allow States a great degree of flexibility to design their methods of distributing funds and to establish the policies and procedures for their programs.

EFFECTIVE DATE: Upon expiration of first period of 30 calendar days of continuous session of Congress after publication, subject to waiver. Further notice of the effectiveness of this final rule will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: James N. Forsberg, Small Cities Division, Office of Community Planning and Development, Washington, D.C. 20410; telephone (202) 755-6322. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Although the Housing and Community Development Act of 1974 (the "Act") has provided since its inception for discretionary block grants to smaller communities, the Omnibus Budget Reconciliation Act of 1981 made a fundamental change to transfer power and decisionmaking in making such grants to States. Under the 1981 amendments to the Community Development Block Grant legislation, each State now has the option to administer the block grant funds for all its nonentitlement areas. In States which elect to administer the program, the State's program replaces the HUD-administered Small Cities Program.

On November 20, 1981, the Department published an interim rule (46 FR 57256) promulgating a new Subpart I to 24 CFR Part 570, containing policies and procedures for the State's Program. The regulations published in the interim rule, as stated in the preamble, "maximize the legislative thrust to provide States sufficient flexibility in administering the program * * *. The regulations are designed to support, not supplant, the responsibility of the State in administering its own program, establishing the policies and procedures for that program, distributing funds from its block grant to recipients, and reviewing the performance by those recipients."

Section 7(o)(3) of the Department of HUD Act (42 U.S.C. 3535(o)(3)) provides for a delay in effectiveness of interim or final rules for a period of 30 calendar days of continuous session of Congress after publication, unless waived by the Chairman and Ranking Minority Members of the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs. Because of the adjournment of the First Session of the 97th Congress in December, the earliest possible effective date of the published interim rule, in the absence of waiver, would be in March 1982. The interim rule was published to become effective upon the expiration of such period, and with a solicitation for public comments during a 60-day period which closed on January 19, 1982.

On December 11, 1981, the Subcommittee on Housing and Community Development of the House Committee on Banking, Finance and Urban Affairs held a hearing for the purpose of permitting members of the Subcommittee to express their concern over particular provisions of the published interim rule. The sole witnesses at the hearing were the Assistant Secretary for Community Planning and Development and the Department's General Counsel. The principal subjects reviewed at the hearing were the Department's description of the primary objectives of the Act; the absence in the published interim rule of a definition of "low- and moderate-income families"; the Department's failure to prescribe uniform audit standards to be adhered to by States auditing the programs of recipients; and the failure of the interim rule to identify "other applicable laws" with which States and recipients were required to comply. (The preamble to the interim rule had stated that the Department was examining the question of applicability of other statutes by their own terms and, if applicable, the respective responsibilities of the Department, States, and grant recipients that flow from such applicability, and that "in order to provide guidance to States on the foregoing question, the Department will amend this rule upon completion of its examination.")

In addition, prior to the hearing, the Secretary received a letter from the Ranking Minority Member of the Senate Committee on Banking, Housing and Urban Affairs expressing "major concerns" with the interim rule's treatment of the primary objectives of the Act, "underscored" by the Department's proposal to permit States to fashion their own definitions of "low- and moderate-income families"; the failure to prescribe or define audit and performance review standards; and the failure to "adequately address" the applicability of other laws and Executive Orders.

The Department thereafter received more than 150 letters pursuant to the solicitation for public comment, including 29 letters from Governors or other representatives of 26 States, more than 80 from units of general local government, and others from public interest and other groups, such as regional planning commissions, and individuals. Most public comments focused on the issues that had been raised in the House Subcommittee hearing and by the Ranking Minority Member of the Senate Committee.

State comments, without exception, were favorable. The National Governor's Association expressed its support of the published rule and its "prime concern * * * that the regulations be promulgated by the Department in their present form as quickly as possible." The Association expressed its belief that "additional standards in the regulations are not needed. The States are well aware of Congress's intent for the CDBG program to benefit low- and moderate-income people, and are taking steps to ensure that Congressional intent is carried out." Comments from individual States were generally similar. While all were supportive of the degree of flexibility and discretion granted to States in the interim rule, several commented that they intended to adopt HUD's prior standard for "low- and moderate-income families" or to prescribe the same audit standards that are applicable to the HUD-administered CDBG programs. Several States suggested that the regulation identify "other applicable laws"; the National Governor's Association and several other States expressed a view that it was unnecessary to identify such requirements in the regulation but asked that a list of such requirements be otherwise made available. Numerous States took the opportunity to note steps already undertaken to prepare for implementation of the program, including consultation with local governments, community organizations, and others. The direction of these comments appeared intended both to

indicate the degree to which States were developing programs consistent with legislative intent without the necessity of further prescriptive directions and to emphasize the need for early conclusion of the rulemaking proceeding in order to avoid disruption of the program.

The National League of Cities commented that it "applauds the Department's effort to reduce unneeded regulations and reduce the paperwork burden on states and localities through this rule." However, the League also recommended revisions of the interim rule in the areas identified in the Congressional hearing and communicated directly to its member city executives urging them to do so as well.

Most comments by units of general local government focused on the interim rule's provisions regarding program income, and many favored revisions in the areas identified in the Congressional hearing. A number of units of general local government urged adoption of the rule without change.

Public interest groups, including the League of Women Voters, the National Housing Law Project, and the Housing Assistance Council, offered comments principally relating to the targeting of the program to low- and moderate-income groups as well as other issues.

On February 19, 1982, the Secretary wrote to the Chairman of the House Subcommittee, stating that upon review of the nature of the public comments made on the interim rule as well as direct expressions to him by interested persons, "it has become apparent that at this time the overriding concern is not the content of HUD's regulation but uncertainty whether the program can become effective sufficiently early to be implemented by States electing to do so in Fiscal 1982." The Secretary stressed "the Department will respond fully, as it is required to do, to the public comments received as well as to the concerns expressed by Members at the hearing or through other means." The Secretary stated, however, that the Department would not initiate any action which could result in an extension of the effective date of the State's Program past the scheduled effective date of the interim rule. Instead, the Department would publish its final rule only after the interim rule had become effective. A similar letter was addressed by the Secretary to the Ranking Minority Member of the Senate Subcommittee on Housing and Community Development.

On March 2, 1982, the Secretary wrote again to the Chairman of the House Subcommittee, describing certain particular amendments which would be included in the final rule if the interim rule became effective as scheduled. On March 8, 1982, notice of immediate effectiveness of the interim rule was published in the **Federal Register** (46 FR 9822).

Following is a summary of the changes from the published interim rule being incorporated into the final rule, and a discussion of principal comments received on these and other topics.

Primary Objectives

The interim rule cites Section 101(c) of the Act, which established as the Act's primary objective "the development of viable urban communities, by providing decent housing and a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income." The interim rule then states:

> This overall objective is achieved through the undertaking of eligible activities each of which carries out one of more of the three broad national objectives set out in Section 104(b)(3) of the Act of benefitting low- and moderate-income families; aiding in the prevention or elimination of slums or blight; or meeting other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. § 570.489(a).

Two different objections were made by various commentors to this statement:

(1) That it fails to reflect accurately the requirement of Section 104(b) of the Act that a grantee certify that the projected use of funds has been developed "so as to give maximum feasible priority to activities which will benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight; the projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs." The argument by the objectors, as explicated, among others, by Counsel to the House Subcommittee at its hearing, is that this provision indicates a subordinated priority for activities in the "other urgent needs" category not reflected in the interim rule.

(2) That it fails to reflect a requirement, claimed to be based on Section 101(c) of the Act, that *all* activities, or , at the least, a program as a whole, must "principally benefit" low- and moderate-income persons. This objection included, in the case of some commentors, reference to existing CDBG entitlement program regulations which require that an entitlement grantee's application must provide that the applicant's "program as a whole shall principally benefit low- and moderate-income persons" (24 CFR 570.302). The Housing Assistance Council (a national nonprofit organization which supports low-income housing in rural areas) recommended "that the regulations state that all activities must principally benefit low- and moderate-income persons, and that benefits must be direct."

As was noted by the Department's representatives at the Subcommittee hearing, the quoted language of the interim rule is a nearly verbatim repetition of a statement contained in the Senate Committee Report on the 1981 legislation (Senate Report No. 97–87, page 3), which, in turn, is based on nearly identical language in the Joint Explanatory Statement of the Managers of the Committee of Conference on the Housing and Community Development Amendments of 1978 (Compilation, page 89).

The reference to 1978 legislative history is particularly pertinent. In that legislation, Congress added to former Section 104(c) of the Act a provision prohibiting the Secretary from disapproving a grantee's application "on the basis that such application addresses any one of the (three) primary purposes * * * to a greater or lesser degree than any other, except that such application may be disapproved if the Secretary determines that the extent to which a primary purpose is addressed is plainly inappropriate to meeting the needs and objectives which are consistent with the community's efforts to achieve the primary objective of this title." The House bill in that session had included a provision that the three named purposes were "primary and coequal." The Conference version, enacted into law, deleted the phrase "coequal" from the provision, explaining: "The conferees agreed that the primary purposes were not to be considered as coequal in a quantitative sense, but that each could, in the light of the individual community's need, be the principal means for achieving the primary objective of the act" (Joint Explanatory Statement, Compilation, page 89).

The precipitating cause of the 1978 amendment was the Department's entitlement grant application regulations, 24 CFR 570.302(b), providing that an "applicant's program as a whole shall principally benefit low- and

moderate-income persons" and that an application would be presumed to meet this test if 75 percent of program funds were used for projects and activities which principally benefit low- and moderate-income persons. As originally proposed by the Department in October 1977, the regulations would have required that "all community development funds are to be used for projects or activities which principally benefit low- and moderate-income persons," subject to certain activities considered "exceptions" to this general rule requiring specific justification in the grantee's application and limited generally to 25 percent of the grant (42 FR 56450 (Oct. 25, 1977)). The final rule, modified as indicated above, was adopted on March 1, 1978 (43 FR 8450). Neither the proposed nor the final rule was presented by the Department as being mandated by the statute. The final rule was justified as "statutorily permissible in terms of the specific programmatic requirements and the stated primary objectives of the Act" (43 FR 8415). In the opinion of the Department's Office of General Counsel, the final rule was within Secretarial discretion and not an imperative under the statute.

Since enactment of the 1978 amendments, it has been the opinion of the Department's Office of General Counsel that the "program as a whole" regulation is inconsistent with the Act. In April 1979, pursuant to then-recently enacted pre-publication legislative review requirements of Section 7(o) of the Department of HUD Act, the Department transmitted to the oversight committees a proposed interim rule which would have eliminated the "program as a whole" requirement but retained application review guidelines based on percentages of funds proposed for projects and activities which principally benefit low- and moderate-income persons. Following indication of Congressional objections to the latter provisions, the Department did not proceed to publication of the regulation. However, revised Departmental instructions for entitlement application review Field Office personnel stressed that if the 75 percent threshold was not met on the face of the application, this meant only that further review would be conducted "to determine whether the proportion of funds budgeted for activities expected to principally benefit low- and moderate-income is plainly inappropriate to meet the needs of the applicant considering the severity and nature of the needs of the applicant's low- and moderate-income persons" (Handbook 6503.1, par. 5–10(e)(3)(a)). In 1981, percentage review thresholds were revoked and Field Office reviewers were instructed to "evaluate how the needs of low- and moderate-income persons are addressed in order to identify any case where the program as a whole is plainly inappropriate to meet such needs" (Notice 81–5).

The foregoing history is reviewed at length in order to stress that the Department does not base its statement of the program's primary objectives upon any legislative change enacted in 1981. A perceived shift in emphasis from a requirement that a "program as a whole principally benefit low- and moderate-income persons" is, in the Department's continuing view, consistent with, and mandated by, the Act as it has existed since 1978.

However, the Department does believe that further clarification would serve to increase the conformity of the regulation to the requirements of Section 104(b)(3) of the Act. Accordingly, the second sentence of § 570.489(a) has been restructured to more nearly reflect the structure of the "maximum feasible priority" certification required to be made by the State. In addition, the following sentence has been added: "The choice of activities on which block grant funds are expended represents the determination by State and local participants, developed in accordance with the State's program design and procedures, as to which approach or approaches will best serve these objectives." This addition is made in order to help clarify the relationship between particular projects and activities undertaken by local recipients and the Act's primary objectives, and is based upon explanatory statements contained in the legislative history cited above in this section.

Low- and Moderate-Income

Closely intertwined with the primary objectives of the Act is the question of the definition of low- and moderate-income families. The interim rule provided that "the definition by States of 'low- and moderate-income families' may be based upon Federal standards or upon State conditions or determinations consistent with the intent and objectives of the Act" (§ 570.489(a)). In the preamble to the interim rule, the Department explained:

> "The regulation also does not contain a definition of the term low- and moderate-income families. This term has never been defined in the Act itself. It has been defined administratively since 1974 in the Department's regulations to be equivalent to the term lower income (which appears separately in the Act) and to mean families whose incomes do not exceed the Section 8 housing assistance eligibility limits of 80 percent of median family income. The Department intends to continue utilizing that definition for its own purposes in administering the entitlement and HUD-administered nonentitlement block grant programs. The Department believes, however, that other definitions may be equally consistent with Congressional intent. Some States may already have legislatively adopted definitions under State agency housing or community development programs. Whether or not other definitions already exist, States administering the program have to fashion a definition based upon State conditions or determinations and consistent with the overriding Congressional intent. It will be essential, however, that States formulate definitions of sufficient clarity and utility to permit determination of compliance with the primary objectives of the Act.

This was the most criticized provision of the interim rule. Approximately half of the local government commentors urged retention of the uniform standard, as did virtually all public interest group commentors. Several States endorsed the discretion granted under the interim rule; numerous States indicated their intention to adopt the Federal standard in any event, and none indicated a positive intention to adopt a different standard.

This question also provoked the most discussion at the Subcommittee hearing. It was not contended by any Member that Congress had intended an 80 percent of median standard, or any other specific standard, when adopting the Act in 1974. The 80 percent standard was established at the same time by Congress as the threshold for "lower-income families" for purposes of the Section 8 housing assistance payments program, also enacted in the 1974 legislation. However, the phrase "low- and moderate-income persons" had been used in other HUD programs before 1974 (e.g., Section 221(d)(3) mortgage insurance); while not specifically defined in those program statutes either, it was clear enough that in the context of these programs, the phrase indicated an income range somewhat higher than that contemplated for eligibility for the deep-subsidy Section 8 program.

The Department's first proposed rules governing the Community Development Block Grant Program, published in September 1974, utilized the Section 8 standard for a definition of "lower-income families" but contained no separate definition of low- and moderate-income families (39 FR 33482). The "lower-income families" definition was necessary because of the program's housing assistance plan requirements, but no specific program submission

requirement was directed to low- and moderate-income persons. However, the proposed regulations reiterated statutory provisions referring to low- and moderate-income persons. Staff comments on the proposed rule transmitted to the Secretary by the Chairman of the House Committee on Banking and Currency, noting the use of the several terms "low- and moderate-income," "low-income," and "lower-income," recommended that "since use of all three terms is likely to produce confusion among grant recipients, HUD should *differentiate among the terms* or use a common term if possible" (emphasis added). As a result, the final rule published in November 1974 (39 FR 40136) extended the definition utilizing the Section 8 threshold to cover all of the terms used. As noted above, however, the regulation at this time contained no substantive or application review provision limiting program benefits based on this definition.

The foregoing history regarding the administrative definition of "low- and moderate-income families" was related and acknowledged at the House Subcommittee hearing. It was urged, however, that the definition applied administratively by HUD since 1974 had worked well enough since inception and that some uniformity in defining intended program beneficiaries was desirable, particularly as between entitlement and nonentitlement areas within single States.

The Department retains concern that an equation of "low- and moderate-income" with an income level specifically established as "lower-income" could unduly restrict the availability of program benefits to persons properly regarded as moderate-income. This concern might be particularly justified in those nonentitlement areas where income levels generally are unusually low. Further, while the Department, for purposes of its administration of the entitlement and HUD-administered nonentitlement programs, does not plan at this time to depart from its historic practice of utilizing the 80 percent of median standard, it continues to believe that somewhat greater flexibility to fashion standards tailored to local determinations and needs is appropriate for States administering the program within their borders. At the same time, the Department recognizes and acknowledges the strong Congressional interest in maintaining the focus of the Community Development Block Grant program, whether administered by the Department or by States, upon the stated primary objective of the Act.

Accordingly, § 570.489(a) has been expanded to indicate that, in fashioning definitions of low- and moderate-income families, States are to take "into account, as guidelines indicative of legislative intent," the HUD standard of 80 percent of area median income utilized for CDBG administration "or Federal standards for housing programs established for lower-income persons (e.g., Section 8 housing assistance programs) or low- and moderate-income persons (e.g., Section 221(d)(3) Below Market Interest Rate mortgage insurance, rural housing loan programs under Title V of Housing Act of 1949 administered by Farmers Home Administration)." (Under current HUD practice, income limits for eligibility for Section 221(d)(3) BMIR project occupancy are calculated at 95 percent of area median income. FmHA calculates low income as 80 percent of area median but not less than 60 percent or greater than 80 percent of the non-metro census regional income with some adjustment for housing cost, and calculates moderate income as $5,000 above the low income level (46 FR 61988). More recently, FmHA has proposed to revise its definition to $3,000 above the low-income limit except that no moderate-income limit would be less than $15,600 nor more than $23,000 except in Alaska (47 FR 10566).) The references to standards utilized under specific programs are not intended to limit States to selection of a specific existing standard but, instead, to indicate a range of standards evidencing Congressional intent regarding the class of persons intended to be primary beneficiaries of activities assisted under the Act.

Two important qualifications are added. Notwithstanding the flexibility in determining standards, States are admonished to "appropriately ensure that assisted activities do not benefit moderate-income families to the exclusion of low-income families." As an indication of Congressional concern over this point, it is noted that in 1977, Congress specifically amended the "maximum feasible priority" provision of the Act (then Section 104(b)(2)) to refer to "low- and moderate-income families" instead of "low- or moderate-income families." The admonition incorporated into the regulation is based upon the legislative explanation of that statutory change (Senate Report No. 95-175, at 12). Finally, the final rule also incorporates the instruction contained in the preamble to the interim rule to the effect that "it will * * * be essential that States formulate definitions of sufficient clarity and utility to permit determination of compliance with the primary objectives of the Act."

Recordkeeping; Audit Standards

In publishing the interim rule, the Department noted that the Director of the Office of Management and Budget had excepted States administering this program from the requirements of OMB Circulars A-87 (Cost Principles for Grants to State and Local Governments) and A-102 (Uniform Requirements for Grants to State and Local Governments). The Department indicated that States could apply equivalent procedures of their own for financial management and control of the programs, but that States electing to follow the principles and procedures established under Circulars A-87 and A-102 would be considered in compliance with their accountability obligations under the Act.

The Department's failure to prescribe minimum recordkeeping and audit standards, as noted above, was criticized by Members of the Congressional oversight committees and by numerous commentors, including some local governmental units and public interest groups.

In the final rule, § 570.497 (renumbered from § 570.496) has been reorganized in order to treat State-level records and audits, and local recipient records and audits, separately. The State's own records are required to be such as may be necessary to permit review and audit by the Secretary and to permit audit of the State's activities conducted, insofar as practicable, in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, activities, and functions. Audits of local recipients conducted by, or for, States are also required to be conducted, insofar as practicable, in accordance with the standards prescribed by the Comptroller General.

The prescription of the standards established by the Comptroller General to the extent practicable is consistent with statutory prescriptions applicable to other recently enacted State block grant programs (see, e.g., Sections 1906(b)(2) and 1916(b)(2) of the Public Health Service Act, as amended by Section 901 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35); and Section 1745(c) of the Reconciliation Act).

Performance Reports

Numerous commentors requested greater specification of the contents and form of the State's annual report to the Secretary beyond the general

requirement that the report "shall be in such form and contain such information (including the assessment required by Section 104(d) of the Act) as the State shall deem appropriate and sufficient to provide an adequate basis for the determinations required to be made by the Secretary pursuant to Section 104(d) of the Act," reserving the authority of the Secretary to require further information if the filed report "falls substantially short of providing an adequate basis for such determinations."

The Department has fully considered these comments but continues to believe that the necessity of further prescription of the contents of the annual performance report is not established at this time. The form and content of the State's performance reports necessarily should vary depending upon the design of a particular State's program. The statutory requirement that the report include an assessment of the relationship of the use of funds to the State's community development objectives identified in its final statement, together with the statutory description of the determinations required to be made by the Secretary on the basis of the report, should, in the Department's view, result in the provision of information that is adequate for the stated purposes. If further experience indicates a need for greater amplification in this area, the Department will address that need as and when it is demonstrated.

Performance Review Standards

When publishing the interim rule, the Department stressed the "paramount importance" of the Secretary's performance review role, particularly in the light of the statutory elimination of the application process. As noted, numerous comments suggested that additional specification be included in the regulation regarding audit standards and the content of performance reports. Closely related to these matters is the standard of review utilized by the Secretary.

The Conference Report on the 1981 legislation took note of the application review standard incorporated in prior law, which required that applications be approved unless the applicant's stated needs and objectives are plainly inconsistent with generally available facts or data or that the applicant's proposed activities are plainly inappropriate to meeting these needs and objectives. The Conference Report instructed that "the Department should establish a similar standard of restraint dealing with performance review" (House Report No. 97–208, p. 674).

Consistent with this admonition, the final rule (§ 570.489(b)) provides that the Secretary "will not determine that a State has failed to carry out its certifications in compliance with the requirements of the Act unless the Secretary finds that procedures and requirements adopted by the State are insufficient to afford reasonable assurance that activities undertaken by units of general local government will not be plainly inappropriate to meeting the State's community development objectives and the primary objectives of the Act."

Program Income

Numerous local government commentors objected to the interim rule's provision that States "may require recipients to return program income to the State" (§ 570.494(b)(1)). While many of these commentors urged that States be required to permit recipients to retain program income (consistent with the Department's administrative choice in the entitlement and HUD-administered nonentitlement programs, see 24 CFR 570.506(c)), other commentors, including the National League of Cities and the National Association of Housing and Redevelopment Officials, recommended that States which elect to recapture program income be required to utilize such funds solely for eligible community development activities. However, in the absence of a contrary statutory direction, the Department believes it appropriate to be guided by the pattern indicated by Section 203 of the Intergovernmental Cooperation Act (42 U.S.C. 4113), whose direction that States "shall not be held accountable for interest earned on grant-in-aid funds" is incorporated in § 570.494(b)(4). Accordingly, no revision has been made in the final rule which would limit the disposition or utilization of program income by States.

Other Applicable Laws

As noted above, when publishing the interim rule, the Department indicated its intention to amend the rule appropriately upon completion of its examination of the question of the application of other so-called "cross-cutting" statutory requirements to activities assisted with CDBG funds and, if applicable, the respective responsibilities of the Department, States, and grant recipients that flow from such applicability.

Various commentors in all categories, including States, urged that the applicability of other statutes be described in the regulation. A few suggested that this information need not be included in the regulation but should be made available to States and recipients in some other, non-regulatory form.

The Department believes, as it indicated when publishing the interim rule, both that it is necessary for it to address this question and that the appropriate vehicle for doing so is the regulation. The reasons for this are at least twofold.

If the purpose of stating the Department's view on the applicability of other statutory requirements was merely to give guidance to States and recipients, the Department believes that that purpose alone, given the general applicability and importance of the subject matter, would dictate resort to rulemaking. To do otherwise would be contrary to the dictates of the Administrative Procedure Act that "statements of general policy or interpretations of general applicability," or agency statements "of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy," be included in the Department's rules and regulations promulgated by **Federal Register** publication. Promulgation of "guidance" of this nature through non-regulatory means would also frustrate the purposes of Executive Order 12291 to, among other things, "increase agency accountability for regulatory actions."

The appropriateness, if not necessity, of dealing with this subject in rulemaking is heightened by the operative effect of the determination of "other applicable laws." In addition to the requirement that States certify that they "will comply with * * * other applicable laws" (Section 104(b) of the Act), the Secretary is obligated "at least on an annual basis, [to] make such review and audits as may be necessary to determine * * * whether the State has carried out its certifications in compliance with * * * other applicable laws, and whether the State has made such reviews and audits of the units of general local government as may be necessary or appropriate to determine whether they have satisfied * * * performance criteria" which incorporate, among other things, compliance "with other applicable laws" (Section 104(d)(2) of the Act). Negative determinations on these matters by the Secretary may lead to sanctions authorized under the Act. In view of this possibility of sanction, it is appropriate that the Department enumerate, by rulemaking, laws which the Secretary will treat as applicable for purposes of the determinations required to be made in the Secretary's performance review.

In the case of certain statutory requirements, an additional necessity for resort to rulemaking flows from the substantive provisions of the particular statutory requirements themselves. For example, Title VI of the Civil Rights Act of 1964 provides for its implementation through "rules, regulations, or orders of general applicability which shall be consistent with achievement of the statute authorizing the financial assistance."

For the foregoing reasons, a new section headed "Program Requirements" has been added in the final rule (§ 570.496) which identifies and describes briefly the requirements of other statutes or Executive Orders considered to be "other applicable laws." In most cases, these other laws are expressly made applicable by the Act itself to activities assisted under the Act.

In this connection, special mention must be made of the fact that the final rule does not include reference to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Section 210 of the Uniform Act places certain obligations on the head of any Federal agency entering into a grant relationship with a State agency "under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any persons." Although the Uniform Act is not referred to in the Act, it had been assumed by the Department since 1974 that the Uniform Act applies to displacements resulting from acquisitions by State agencies for community development activities assisted by block grant funds under the Act (see 24 CFR 570.602).

In 1979, the Fifth Circuit Court of Appeals, in an *en banc* decision, held that the Uniform Act did not apply to acquisitions financed by general revenue-sharing funds. One principal ground of the decision was that the Uniform Act "contemplates discretionary federal approval and specific requests to fund specific projects" while the revenue-sharing statute provided no such opportunity for Federal project approval. The Court declared itself "at a loss to understand how these two Acts can work in consort if one Act provides for automatic distribution and the other Act contemplates prior federal approval for specifically proposed projects. The distinguishing feature between the two Acts is that the URA envisions federal control over a funded project while revenue sharing does not." *Goolsby v. Blumenthal*, 590 F. 2d 1369, 1371–72 (5th Cir. 1979), cert. denied, 444 U.S. 970 (1979).

The Community Development Block Grant program is not a general revenue-sharing program. Instead of the almost unlimited purposes for which general revenue-sharing funds may be utilized, the use of CDBG funds is limited by the primary and specific objectives stated in Section 101 of the Act and the eligible activities enumerated in Section 105. However, in the particular respects cited by the Fifth Circuit as inconsistent with the thrust of the Uniform Act, the CDBG program, particularly as a result of the 1981 amendments eliminating the application process, bears a close resemblance to the revenue-sharing mechanism. The Department, therefore, is soliciting the opinion of the Department of Justice as to whether the Uniform Act should continue to be considered applicable to activities assisted under the Act. If the Department of Justice determines that the Uniform Act is applicable, the Department will adopt an appropriate amendment of Subpart I.

It is noted that whether or not the Uniform Act applies, States and recipients may provide relocation payments and assistance for individuals, families, businesses, non-profit organizations and farm operations when determined by the State or recipient to be appropriate, as eligible uses of CDBG funds under Section 105(a)(11) of the Act.

The statutes and executive orders listed in § 570.496 are those which are referred to in the Act or for which the Secretary otherwise has enforcement responsibilities. Note is taken here of two laws not included in the foregoing categories. Executive Order 11246, which imposes equal employment opportunity obligations upon applicants for Federal assistance which may involve a construction contract, is administered by the Secretary of Labor. The Department is consulting with the Secretary of Labor regarding the requirements of Executive Order 11246 in the context of the CDBG programs. The Hatch Act (5 U.S.C. 1501 et seq.) prohibits certain political activities by State or local officers or employees "whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a federal agency." In view of the vesting of responsibility for investigating and prosecuting alleged violations of the Hatch Act, and for issuing advisory opinions concerning the Hatch Act, in the Special Counsel of the Merit Systems Protection Board (see 5 U.S.C. 1206 (e), (g), and (l)), the Department expresses no view as to circumstances in which the Hatch Act may be applicable to State or local officials or employees by reason of CDBG assistance.

Other Matters

Numerous commenters, particularly from local governments, urged that the rule specifically require that States undertake good faith consultation with local government officials prior to designing the State's program.

Section 104(a)(2) of the Act, "in order to permit public examination and appraisal" of the State's statement of community development objectives and its proposed method of distribution to local recipients, "to enhance the public accountability of grantees, and to facilitate coordination of activities with different levels of government," requires (1) that the State furnish citizens information concerning the amount of funds available for proposed community development and housing activities and the range of activities that may be undertaken, (2) that the State publish a proposed statement "in such manner to afford affected citizens or, as appropriate, units of general local government an opportunity to examine its content and to submit comments on the proposed statement and on the community development performance of the grantee," and (3) that the State hold one or more public hearings to obtain the views of citizens on community development and housing needs. The Act further requires that the State, in preparing its final statement, "shall consider any such comments and views and may, if deemed appropriate by the grantee, modify the proposed statement.

The interim rule contained no substantive provision expanding upon, or even merely reiterating, these requirements. (The State's need to certify to the Secretary that it has complied with such requirements is covered by § 570.490). The Department has abstained from any attempt to further delineate the citizen participation or local government consultation requirements in its regulation for much the same reason that Congress also refrained from greater specification. As noted in the Senate report: "We have full confidence that the vast body of State and local laws governing the local policy making process and the experience gained by citizen groups interacting with policy makers on community development will sustain this activity" (Senate Report No. 97–87, at 3). While the foregoing comments dealt specficially with citizen

participation, in their general preference for reliance upon enforcement of accountability through locally available means, they are applicable as well to local government consultation.

A clarification has been added to the provision of the regulation outlining remedial steps available to the Secretary in the event of compliance deficiencies. In the interim rule, the remedial steps were stated to be available "if the Secretary's review and audit pursuant to Section 104(d)(2) of the Act results in any negative determination." The Department did not intend that the Secretary would be restricted from acting upon the basis of a complaint of a substantial and serious nature received at any time outside the Section 104(d) review and audit process. Accordingly, the final rule provides that such remedial steps also are available if the Secretary otherwise has reason to believe that a State or recipient has failed to comply in a substantial or serious manner with any requirements of the Act (§ 570.499).

Numerous comments urged that the rule reiterate or explain statutory requirements to a greater degree than appeared in the interim rule. As noted, comments regarding citizen participation and local government consultation largely followed this pattern. One comment of this type stated: "The key defect of the proposed regulation lies in its failure to recognize that the regulation, and not the statute, is relied upon by grantees in the day-to-day administration of the CDBG program. Through deletion of reference to program requirements that are clearly mandated by Federal law, the Department can expect to see denigration of statutory requirements imposed by Congress."

The question of the extent to which regulations must or should reiterate statutory requirements is frequently a difficult one. On the subject of "other applicable laws," as explained above, the Department has come down on the side of explicit identification in the regulation, even in the case of statutes specifically referenced in the Act. In the area of citizen participation and local government consultation, on the other hand, for reasons also explained above, it has not. However, to the extent that the foregoing comment assumes that failure to reiterate a statutory requirement will be read as an indication of Departmental indifference to the requirement.

The Department rejects that assumption and implication. Failure to reiterate a requirement in the regulation does not diminish the force of the statutory requirement.

More fundamentally, the Department rejects the notion seemingly implicit in the comment that the statute is only a direction to the Department, and that grantees and recipients should be spared the burden of reading the statute but should be required only to rely upon its translation by the Department through regulations. It is, on the contrary, a positive intention on the Department's part, manifested throughout its formulation of this regulation, to drive grantees and recipients to the statute. This intention appears to the Department particularly appropriate and necessary in the context of the objectives of this program in reducing Federal intrusion into local policy making machinery while maximizing the State's administrative role.

A variety of additional, narrower comments were received from various sources. Some indicated concern over clarity of certain provisions of the interim rule. The Department generally has not conclued that the claimed lack of clarity exists to an extent justifying changes in the rule. Inasmuch as this rule governs a new and novel program, however, the Department will be attentative to areas of conflict or misunderstanding that become manifested by experience.

The State's Program is listed in the Catalog of Federal Domestic Assistance under 14.228, Community Development Block Grants/State's Program.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned certifies that the rule does not have a significant economic impact on a substantial number of small entities.

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

The Department has determined that an environmental impact statement is not required with respect to this rule. A copy of the Finding of No Significant Impact is on file and available for inspection in the Office of the Rules Docket Clerk.

Because the final rule, for the most part, effects clarifying revisions to the interim rule in response to Congressional and public comments that will not disrupt Fiscal Year 1982 programs if implemented immediately, the Secretary has determined that good cause exists for exempting this final rule from the 30-day delay in effectiveness provided in the Administrative Procedure Act, 5 U.S.C. 553(d). However, Section 7(o)(3) of the Department of HUD Act (42 U.S.C. 3535(o)(3)) provides for a delay in effectiveness for a period of 30 calendar days of continuous session of Congress after publication, unless waived by the Chairmen and Ranking Minority Members of the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs. The Secretary intends to request the appropriate waivers by the Chairmen and Ranking Minority Members but, at the time of publication of this final rule, it is not known whether or when such waivers will be granted. Under Section 7(o)(5) of the Department of HUD Act, "Congressional inaction on any rule or regulation shall not be deemed an expression of approval of the rule or regulation involved." The foregoing provision refers to inaction on joint resolution of disapproval or other legislation which is intended to modify or invalidate the rule or regulation or any portion thereof, and the principal that such inaction does not imply Congressional approval applies, *a fortiori*, to a waiver of the nature requested by the Secretary.

Under any circumstance, further notice of the effective date of this final rule will be published in the Federal Register.

List of Subjects in 24 CFR Part 570

Community development block grants, Grant programs: housing and community development, Loan programs: housing and community development; Low and moderate income housing, New communities, Pockets of poverty, Small cities.

Accordingly, 24 CFR Part 570, Subpart I, previously promulgated as an interim rule, is revised to read as follows:

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

* * * * *

Subpart I—State's Program: State Administration of CDBG Nonentitlement Funds

Sec.

570.488 General.

Sec.

570.489 Primary objectives; State responsibilities.
570.490 Submission requirements.
570.491 Prior multiyear commitments.
570.492 State matching funds.
570.493 Administrative costs.
570.494 Grant payments; program income.
570.495 Environmental responsibilities.
570.496 Program requirements.
570.497 Recordkeeping.
570.498 Performance reports.
570.499 Reviews and audits response.
570.499a Remedies after hearing.

Authority: Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.); sec. 7(d), Department of Housing and Urban Development Act, as amended (42 U.S.C. 3535(d)).

Subpart I—State's Program: State Administration of CDBG Nonentitlement Funds

§ 570.488 General.

This Subpart describes policies and procedures applicable to States which elect to receive Community Development Block Grant funds for distribution to units of general local government in the State's nonentitlement areas pursuant to Section 106(d) of the Housing and Community Development Act of 1974, as amended.

§ 570.489 Primary objectives; State responsibilities.

(a) *Primary objectives.* Section 101(c) of the Act establishes as its primary objective "the development of viable urban communities, by providing decent housing and a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income." This overall objective is achieved through a program where the projected use of funds has been developed so as to give maximum feasible priority to activities which will benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight; the projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. The choice of activities on which block grant funds are expended represents the determination by State and local participants, developed in accordance with the State's program design and procedures, as to which approach or approaches will best serve these objectives. Each State may determine a definition of "low- and moderate-income families" for purposes of assuring compliance with the primary objectives of the Act based upon State conditions or determinations, taking into account, as guidelines indicative of legislative intent, the Federal administrative standard of 80 percent of area median income previously established by HUD in its administration of the community development block grant program or Federal standards for housing programs established for lower income persons (e.g., Section 8 housing assistance programs) or low- and moderate-income persons (e.g., Section 221(d)(3) Below Market Interest Rate mortgage insurance, rural housing loan programs under Title V of Housing Act of 1949 administered by Farmers Home Administration). In determining such standards, however, States must appropriately ensure that assisted activities do not benefit moderate-income families to the exclusion of low-income families. It will also be essential that States formulate definitions of sufficient clarity and utility to permit determination of compliance with the primary objectives of the Act. Within the foregoing criteria, activities of units of general local government which may be assisted by funds distributed by States pursuant to this Subpart are those listed in Section 105(a) of the Act.

(b) *State responsibilities.* Primary and direct responsibility for overall administration of funds distributed pursuant to this Subpart is vested in the State. States are free to develop purposes and procedures for distributing funds as State and local priorities dictate, subject to the primary objectives and other requirements of the Act. In exercising his obligation and responsibility to review a State's performance, the Secretary will give maximum feasible deference to the State's interpretation of the statutory requirements consistent with the Secretary's obligation to enforce compliance with the manifest intent of Congress as declared in the Act and will not determine that a State has failed to carry out its certifications in compliance with the requirements of the Act unless the Secretary finds that procedures and requirements adopted by the State are insufficient to afford reasonable assurance that activities undertaken by units of general local government will not be plainly inappropriate to meeting the State's community development objectives and the primary objectives of the Act.

§ 570.490 Submission requirements.

(a) *Election to receive funds.* A State shall elect to distribute amounts allocated for nonentitlement areas in such State by its submission to the Secretary, during the month of July before the beginning of each Federal fiscal year (October 1–September 30) in which the State elects to administer such funds, of the certifications by the Governor specified in Section 106(d)(2)(C) (i)–(iii) of the Act. For Federal Fiscal Year 1982, however, the State shall submit such certifications within 60 days of the effective date of these regulations.

(b) *Final statement and certifications.* Before March 31 during each Federal fiscal year in which the State elects to administer the CDBG funds for its nonentitlement areas, the State shall submit to the Secretary:

(1) The certification by the Governor specified in Section 106(d)(2)(C)(iv) of the Act;

(2) The certifications specified in Section 104(b) of the Act; and

(3) The final statement described in Section 104(a)(1) of the Act.

For Federal Fiscal Year 1982, however, the State shall submit such certifications and final statement within 180 days of the effective date of these regulations.

(c) *Certifications.* In the absence of independent evidence (which may, but need not be, derived from performance reviews and audits performed by the Secretary pursuant to Section 104(d)(2) of the Act) which tends to challenge in a substantial manner the certifications made by the State, such certifications will be deemed satisfactory to the Secretary if made in compliance with the statutory requirement. If such independent evidence is available to the Secretary, however, the Secretary may require such further information or assurances to be submitted by the State as the Secretary may consider warranted or necessary in order to find the State's certifications satisfactory.

(d) *Failure to submit.* The State's failure to make the submissions required by paragraphs (a) or (b) of this section by the dates specified shall constitute the State's election not to receive and distribute amounts allocated for its nonentitlement areas for the applicable fiscal year.

§ 570.491 Prior multiyear commitments.

Each State administering an allocation for nonentitlement areas shall provide, in its method of distribution, for the funding of multiyear grant commitments made by HUD to units of general local government in nonentitlement areas pursuant to Subpart F in Federal Fiscal Years 1980 and 1981, if such units of general local government request the State to honor such funding commitments and unless the Secretary shall determine that any

such recipient has not performed adequately with respect to funds previously distributed by HUD under such commitment (or unless the State shall make such determination with respect to funds previously distributed by the State when honoring a prior multiyear commitment pursuant to this section). HUD shall remain responsible for administration of funds distributed by HUD under multiyear commitments, and the State shall be responsible for the administration of funds distributed by the State when honoring a prior multiyear commitment pursuant to this section.

§ 570.492 State matching funds.

Pursuant to its certification specified in Section 106(d)(2)(C)(iii) of the Act, the State is required to provide, out of State resources, funds for community development activities in nonentitlement areas in an amount which is at least 10 percent of the CDBG funds allocated for use in the State's nonentitlement areas. For the purpose of determining compliance with such certification:

(a) "State resources" will be deemed to include State operating appropriations or proceeds of State general obligation or revenue bonds expended in nonentitlement areas. Such State funds may be used for ongoing State programs or activities; they need not be derived from special appropriations or bonds specifically designed to meet this ten percent match requirement. Funds may be provided in the form of grants, loans, direct State expenditures, or other forms of assistance.

(b) "Community development activities" need not relate directly to activities undertaken with the State's allocation nor be in the communities which receive CDBG nonentitlement funds. Activities may include, but are not limited to, activities undertaken for the improvement of distressed areas or for the benefit of low- and moderate-income households, and may be activities eligible under Section 105 of the Act, as well as housing and community development activities not eligible under the Act, such as construction of new housing and rental subsidies. "Community development activities" does not include State administration of CDBG funds.

(c) Activities may be undertaken by the State, units of general local government, or by other entities selected by the State, but must be paid for from the State's own funds.

§ 570.493 Administrative costs.

Administrative costs paid or reimbursed from CDBG funds pursuant to Section 106(d)(3)(A) of the Act may include any administrative costs, direct and indirect, related to preparing for or carrying out the State's program. Grants provided under Section 107 of the Act may not be used for administrative costs required to be paid from the State's own resources.

§ 570.494 Grant payments; program income.

(a) *Payments.* Payments will be made by electronic funds transfer whenever possible, letter of credit, or other means, pursuant to grant agreements as required by the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 *et seq.*) and in compliance with the Intergovernmental Cooperation Act (42 U.S.C. 4201 *et seq.*) and Treasury Circular No. 1075 (31 CFR Part 205). States will utilize appropriate procedures to minimize the time elapsing between the transfer of funds by the Treasury to the State and the disbursement of funds by the State to recipients.

(b) *Program income.* (1) To the maximum feasible extent, the State shall disburse to units of general local government any program income it receives prior to making additional draws from the Treasury.

(2) The State may require recipients to return program income to the State. These funds may be derived from sources such as reimbursements to and interest from a recipient's loan program, proceeds from the disposition of real property, and proceeds from special assessments, to the extent the costs were initially paid with CDBG funds.

(3) To the maximum feasible extent, the State shall require each recipient to disburse its program income not required to be returned to the State prior to requesting additional funds from the State to finance its CDBG-funded activities.

(4) Interest earned by units of general local government on funds distributed pursuant to this Subpart, prior to disbursement, is not program income and must be returned to the Treasury. However, the State shall not be held accountable for interest earned on grants for which payments are made in accordance with paragraph (a), pending disbursement for program purposes.

§ 570.495 Environmental responsibilities.

The State shall assume such responsibilities for environmental review, decisionmaking, and action (and shall require the assumption of such responsibilities by units of general local government receiving CDBG funds from the State under this Subpart) as shall be specified and required in regulations issued by the Secretary pursuant to Section 104(f) of the Act.

§ 570.496 Program requirements.

Section 104(b) of the Act requires that the State certify, among other things, that the grant "will be conducted and administered in conformity with Pub. L. 88–352 and Pub. L. 90–284," and, further, that the grantee "will comply with the other provisions of this title and with other applicable laws." Section 104(d)(2) of the Act requires that the Secretary determine "whether the State has carried out its certifications in compliance with the requirements of this title and other applicable laws, and whether the State has made such reviews and audits of the units of general local government as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria" which incorporate, among other things, "the requirements * * * of this title * * * and other applicable laws." Certain statutes are expressly made applicable to activities assisted under the Act by the Act itself, while other laws not referred to in the Act may be applicable to such activities by their own terms. This section enumerates laws which the Secretary will treat as applicable for purposes of the determinations to be made by the Secretary under Section 104(d)(2) of the Act.

(a) *Pub. L. 88–352 and Pub. L. 90–284.* "Pub. L. 88–352" refers to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Section 602 of the Civil Rights Act of 1964 directs each Federal department and agency empowered to extend Federal financial assistance to any program or activity by way of grant to effectuate the foregoing prohibition by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the statute authorizing the financial assistance. HUD regulations implementing the requirements of Title VI with respect to HUD programs are contained in 24 CFR Part 1. "Pub. L. 90–284" refers to Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), popularly known as the Fair Housing Act, which provides that it is the policy of the United States to

provide, within constitutional limitations, for fair housing throughout the United States and prohibits any person from discriminating in the sale or rental of housing, the financing of housing, or the provision of brokerage services, including in any way making unavailable or denying a dwelling to any person, because of race, color, religion, sex, or national origin. Title VIII further requires the Secretary to administer the programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of Title VIII. In addition, Executive Order 11063, as amended by Executive Order 12259, directs the Department to take all action necessary and appropriate to prevent discrimination because of race, color, religion (creed), sex, or national origin, in the sale, leasing, rental, or other disposition of residential property and related facilities (including land to be developed for residential use), or in the use or occupancy thereof, if such property and related facilities are, among other things, provided in whole or in part with the aid of loans, advances, grants, or contributions agreed to be made by the Federal Government. HUD regulations implementing Executive Order 11063 are contained in 24 CFR Part 107.

(b) *Section 109 of the Act.* Section 109 of the Act requires that no person in the United States shall on the ground of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with community development funds made available pursuant to the Act. Section 109 further provides that any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any such program or activity.

(c) *Labor Standards.* Section 110 of the Act requires that all laborers and mechanics employed by contractors or subcontractors on construction work assisted under the Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5). By reason of the foregoing requirement, the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.) also applies. However, these requirements apply to the rehabilitation of residential property only if such property is designed for residential use of eight or more families.

(d) *Environmental Standards.* Section 104(f) expresses the intent that "the policies of the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary) * * * (be) most effectively implemented in connection with the expenditure of funds under" the Act. Such other provisions of law which further the purposes of the National Environmental Policy Act of 1969 are specified in regulations issued pursuant to Section 104(f) of the Act and contained in 24 CFR Part 58. (See § 570.495.)

(e) *Employment Opportunities.* Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) requires, in connection with the planning and carrying out of any project assisted under the Act, that to the greatest extent feasible opportunities for training and employment be given to lower-income persons residing within the unit of local government or the metropolitan area (or nonmetropolitan county) in which the project is located, and that contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by persons residing in the same metropolitan area (or nonmetropolitan county) as the project. States shall adopt appropriate procedures and requirements to assure good faith efforts toward compliance with the statutory directive. HUD regulations at 24 CFR Part 135 are not directly applicable to activities assisted under this Subpart I but may be referred to as guidance indicative of the Secretary's view of the statutory objectives in other contexts.

(f) *Lead-Based Paint.* Title IV of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831), directs the Secretary to prohibit the use of lead-based paint in residential structures constructed or rehabilitated with Federal assistance in any form.

§ 570.497 Recordkeeping.

(a) *State records.* Each State administering grants under this Subpart shall establish and maintain such records as may be necessary to facilitate review and audit by the Secretary of the State's administration of grants pursuant to Section 104(d) of the Act. Records maintained by the State shall be sufficient to enable the Secretary to determine whether or not the program is being carried out in accordance with the State's certification and the requirements of the Act and other applicable laws, and to permit audit of the State's activities conducted, insofar as practicable, in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, activities, and functions.

(b) *Recipient records.* Each State shall establish recordkeeping requirements for units of general local government receiving assistance which shall be sufficient to facilitate such reviews and audits of such recipients as may be necessary or appropriate to determine whether they have carried out their activities in accordance with the requirements and the primary objectives of the Act and with other applicable laws. Audits of recipients conducted by or for States shall, insofar as practicable, be conducted in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, activities, and functions.

(c) *Access to records.* Representatives of the Secretary, the Inspector General, and the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by States and such recipients pertaining to the administration of grants and receipt of assistance under this Subpart and necessary to facilitate such audits.

§ 570.498 Performance reports.

Each State administering grants under this Subpart shall submit to the Secretary a performance report as required by Section 104(d) of the Act. Such report shall be in such form and contain such information (including the assessment required by Section 104(d) of the Act) as the State shall deem appropriate and sufficient to provide an adequate basis for the determinations required to be made by the Secretary pursuant to Section 104(d)(2) of the Act. If the Secretary determines that the State's performance report falls substantially short of providing an adequate basis for such determinations, the Secretary may require the State to provide such additional information as the Secretary finds necessary for such purpose. The State shall submit its intital performance report regarding its administration of a fiscal year's allocation not earlier than nine nor more than 15 months after its initial receipt of funds under the applicable fiscal year's allocation and shall supplement such report annually, not later than October 1 of the following fiscal year, until all funds from such year's allocation have been expended by the recipients and the

State has completed its reviews and audits of the units of general local government with respect to such fiscal year referred to in Section 104(d)(2) of the Act.

§ 570.499 Reviews and audits response.

If the Secretary's review and audit pursuant to Section 104(d)(2) of the Act results in any negative determination, or if the Secretary otherwise has reason to believe that a State or recipient has failed to comply in a substantial or serious manner with any requirement of the Act, the Secretary may take one or more of the following actions as the Secretary deems appropriate in order to prevent a continuation of the deficiency; mitigate, to the extent possible, the adverse effects or consequences of the deficiency; or prevent a recurrence of the deficiency:

(a) Request the State to submit additional information pertinent to the negative determinations and the State's proposals for corrective action;

(b) Issue a letter of warning that advises the State of the deficiency and puts the State on notice that more serious sanctions will be imposed if the deficiency is not corrected or is repeated; advise the State that a certification will no longer be acceptable and that additional information or assurances will be required;

(c) Advise the State to suspend disbursement of funds for a questioned activity or to a recipient whose activities are determined to have not satisfied the applicable performance criteria described in Section 104(d)(1) of the Act;

(d) Advise the State to reimburse its program account or letter of credit in any amounts improperly expended;

(e) In the case of a determination that a State or recipient has failed to comply with the requirements of Section 109(a) of the Act, and after the notification required by 109(b) of the Act, and subsequent failure or refusal to secure compliance, take the further actions by Section 109(b) of the Act.

(f) In the case of a determination that the State or any recipient has failed to comply substantially with any provision of the Act, refer the matter to the Attorney General of the United States pursuant to Section 111(b)(1) of the Act with a recommendation that an appropriate civil action be instituted;

(g) Condition the use of funds from a succeeding fiscal year's allocation upon appropriate corrective action by the State. When the use of funds is conditioned, the Secretary shall specify the reasons for the conditions and the actions necessary to satisfy such conditions.

§570.499a Remedies after hearing.

(a) *General.* Action pursuant to this section will be taken only after at least one of the corrective or remedial actions specified in § 570.498 has been taken, and only then if the recipient has not made an appropriate and timely response. Initiation of procedures toward a sanction pursuant to this section will be undertaken only after the State has been notified and given an opportunity within a prescribed time for an informal consultation regarding the proposed action.

(b) *Remedies.* If the Secretary finds after reasonable notice and opportunity for hearing that a State or unit of general local government receiving assistance under this Subpart has failed to comply substantially with any provision of the Act, the Secretary, until he is satisfied that there is no longer any such failure to comply shall:

(1) Make appropriate adjustments in the amount of the annual grants;

(2) With respect to assistance made available to units of general local government, adjust, reduce, or withdraw such assistance, or take other actions as appropriate, except that funds already expended on eligible activities under the Act shall not be recaptured or deducted from future assistance to such units of general local government;

(3) Terminate payments to the State, or direct that the State terminate payments to a unit of general local government;

(4) Reduce payments to the State, or direct that the State reduce payments to a unit of general local government, by an amount equal to the amount of such payments which were not expended in accordance with the Act; or

(5) Limit the availability of payments to programs, projects, or activities not affected by such failure to comply: *Provided, however,* That the Secretary may on due notice suspend payments at any time after the issuance of a notice of opportunity for hearing pursuant to paragraph (c)(1) of this section, pending such hearing and a final decision, to the extent the Secretary determines such action necessary to preclude the further expenditure of funds for activities affected by such failure to comply.

(c) *Proceedings.* When the Secretary proposes to take action pursuant to this section, the respondent in the proceedings will be the State. At the option of the Secretary, a unit of general local government may also be made a respondent. These procedures are to be followed prior to imposition of a sanction described in paragraph (b) of this section:

(1) *Notice of Opportunity for Hearing.* The Secretary shall notify the respondent in writing of the proposed action and of the opportunity for a hearing. The notice shall:

(i) Specify, in a manner which is adequate to allow the respondent to prepare its response, allegations with respect to a failure to comply substantially with a provision of the Act;

(ii) State that the hearing procedures are governed by these rules;

(iii) State that a hearing may be requested within 10 days from receipt of the notice and the name, address and telephone number of the person to whom any request for hearing is to be addressed;

(iv) Specify the action which the Secretary proposes to take and that the authority for this action is section 104(d) and 111(a) of the Act;

(v) State that if respondent fails to request a hearing within the time specified a decision by default will be rendered against the respondent; and

(vi) Be sent to the respondent by certified mail, return receipt requested.

(2) *Initiation of Hearing.* The respondent shall be allowed at least 10 days from receipt of the notice within which to notify HUD of its request for a hearing. If no request is received within the time specified, the Secretary may proceed to make a finding on the issue of compliance with the Act and to take the proposed action.

(3) *Administrative Law Judge.* Proceedings conducted under these rules shall be presided over by an Administrative Law Judge (ALJ), appointed as provided by section 11 of the Administrative Procedures Act (5 U.S.C. 3105). The case shall be referred to the ALJ by the Secretary at the time a hearing is requested. The ALJ shall promptly notify the parties of the time and place at which the hearing will be held. The ALJ shall conduct a fair and impartial hearing and take all action necessary to avoid delay in the disposition of proceedings and to maintain order. The ALJ shall have all powers necessary to those ends, including but not limited to the power:

(i) To administer oaths and affirmations;

(ii) To issue subpoenas as authorized by law;

(iii) To rule upon offers of proof and receive relevant evidence;

(iv) To order or limit discovery prior to the hearing as the interests of justice may require;

(v) To regulate the course of the hearing and the conduct of the parties and their counsel;

(vi) To hold conferences for the settlement or simplification of the issues by consent of the parties;

(vii) To consider and rule upon all procedural and other motions appropriate in adjudicative proceedings; and

(viii) To make and file initial determinations.

(4) *Ex Parte Communications.* An ex parte communication is any communication with an ALJ, direct or indirect, oral or written, concerning the merits or procedures of any pending proceeding which is made by a party in the absence of any other party. Ex parte communications are prohibited except where the purpose and content of the communication have been disclosed in advance or simultaneously to all parties, or the communication is a request for information concerning the status of the case. Any ALJ who receives an ex parte communication which the ALJ knows or has reason to believe is unauthorized shall promptly place the communication, or its substance, in all files and shall furnish copies to all parties. Unauthorized ex parte communications shall not be taken into consideration in deciding any matter in issue.

(5) *The Hearing.* All parties shall have the right to be represented at the hearing by counsel. The ALJ shall conduct the proceedings in an expeditious manner while allowing the parties to present all oral and written evidence which tends to support their respective positions, but the ALJ shall exclude irrelevant, immaterial or unduly repetitious evidence. The Department has the burden of proof in showing by a preponderance of the evidence that the respondent failed to comply substantially with a provision of the Act. Each party shall be allowed to cross-examine adverse witnessess and to rebut and comment upon evidence presented by the other party. Evidence which is irrelevant, immaterial or unduly repetitious shall be excluded by the ALJ. Hearings shall be open to the public. So far as the orderly conduct of the hearing permits, interested persons other than the parties may appear and participate in the hearing.

(6) *Transcripts.* Hearings shall be recorded and transcribed only by a reporter under the supervision of the ALJ. The original transcript shall be a part of the record and shall constitute the sole official transcript. Respondents and the public, at their own expense, may obtain copies of the transcript.

(7) *The ALJ's Decision.* At the conclusion of the hearing, the ALJ shall give the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor. Within 25 days after the conclusion of the hearing, the ALJ shall prepare a written decision which includes a statement of findings and conclusions, and the reasons or basis therefor, on all the material issues of fact, law or discretion presented on the record and the appropriate sanction or denial thereof. The decision shall be based on consideration of the whole record or those parts thereof cited by a party and supported by and in accordance with the reliable, probative, and substantial evidence. A copy of the decision shall be furnished to the parties immediately by certified mail, return receipt requested, and shall include a notice that any requests for review by the Secretary must be made in writing to the Secretary within 30 days of the receipt of the decision.

(8) *The Record.* The transcript of testimony and exhibits, together with the decision of the ALJ and all papers and requests filed in the proceeding, constitutes the exclusive record for decision and, on payment of its reasonable cost, shall be made available to the parties. After reaching his initial decision, the ALJ shall certify to the complete record and forward the record to the Secretary.

(9) *Review by the Secretary.* The decision by the ALJ shall constitute the final decision of the Secretary unless, within 30 days after the receipt of the decision, either the respondent or the Assistant Secretary for Community Planning and Development files an exception and request for review by the Secretary. The excepting party must transmit simultaneously to the Secretary and the other party the request for review and the bases of the party's exceptions to the findings of the ALJ. The other party shall be allowed 30 days from receipt of the exception to provide the Secretary and the excepting party with a written reply. The Secretary shall then review the record of the case, including the exceptions and the reply. On the basis of such review, the Secretary shall issue a written determination, including a statement of the reasons or basis therefor, affirming, modifying or revoking the decision of the ALJ. The Secretary's decision shall be made and transmitted to the parties within 80 days after the decision of the ALJ was furnished to the parties.

(10) *Judicial Review.* The respondent may seek judicial review of the Secretary's decision pursuant to section 111(c) of the Act.

Dated: April 5, 1982.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

[FR Doc. 82-9508 Filed 4-5-82; 3:26 pm]

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Thursday
April 8, 1982

Part V

Environmental Protection Agency

Hazardous Waste Management System; General and EPA Administered Permit Programs; Hazardous Waste Permit Program; and Requirements for State Hazardous Waste Programs; Final Rule and Issuance of Regulation Interpretation Memorandum

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 124

[SW-FRL-2039-5a]

Hazardous Waste Management System: General and EPA Administered Permit Programs: Hazardous Waste Permit Progarm

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is today amending its consolidated permit regulations to make several minor corrections in the regulations. The consolidated permit regulations amended today apply to EPA's issuance of permits to hazardous waste management facilities, underground injection control facilities and facilities that discharge pollutants to navigable waters.

These minor changes are being made to correct and clarify the regulations and are also in response to settlement negotiations on these matters in a lawsuit on the consolidated permit regulations.

The Agency believes that these amendments will minimally reduce the annualized compliance costs to industry. The changes should have no impact on the environment, as they are changes in paperwork requirements only.

EFFECTIVE DATE: April 8, 1982.

FOR FURTHER INFORMATION CONTACT: RCRA hotline at 382-3000 or toll-free at (800) 424-9346; or Deborah Wolpe, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, Washington, D.C. 20460 (202) 755-9107.

SUPPLEMENTARY INFORMATION:

I. Background

On May 19, 1980, EPA published the consolidated permit regulations which govern, among other programs, the hazardous waste management program under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. 6901 *et seq.* (45 FR 33290). Parts 122 through 124 of these regulations (which appear in Title 40 of the Code of Federal Regulations) spell out in detail the requirements to obtain a hazardous waste management permit, the requirements for states to receive authorization to administer their permit programs in lieu of the Federal permit program, and the procedures for EPA decision-making in the permitting process. In addition, EPA developed a set of consolidated permit application forms to be used by applicants for EPA-administered permits. A number of industry groups, one State, and one environmental group petitioned for review of the consolidated permit regulations as they relate to RCRA issues. These groups raised a variety of issues concerning the regulations. Included in the RCRA-related issues raised by petitioners were a number of "common issues." Common issues are issues which relate to more than one permit program—issues which, for example, relate to both the hazardous waste management program under RCRA and the national pollutant discharge elimination system (NPDES) program under section 402 of the Clean Water Act (CWA), 33 U.S.C. 1362.

EPA is today amending several sections of the regulations to clarify and correct them. Two of today's amendments apply to all three permit programs. These amendments (1) correct a drafting error in the section which requires submission of a topographic map, and (2) change the caption of the section on duty to halt or reduce activities to better comport with the substance of the section. The other four amendments affect only the hazardous waste permit program. These amendments (1) clarify that hazardous waste permittees need only provide "relevant" information upon request of the permitting authority; (2) change the section on inspection of, and entry to, hazardous waste management facilities to include the words "at reasonable times" in describing when EPA, or its authorized representative, may enter the permittee's premises (3) delete the requirement that claims of confidentiality on hazardous waste permit applications be substantiated at the time the application is submitted and (4) clarify that if a hazardous waste permit is consolidated for reconsideration in an evidentiary hearing with a permit for discharge to navigable waters, it need not always be stayed.

These amendments are partially in response to settlement negotiations on these issues in "NRDC v. EPA," No. 80-1607 and consolidated cases (D.C. Cir., filed June 2, 1980). EPA has signed a settlement agreement for the RCRA-related and common issues, and has agreed to promulgate a regulatory interpretation memorandum (RIM), and several technical amendments, as well as to propose several substantive amendments to the consolidated permit regulations as expeditiously as possible. If EPA fulfills these obligations, and after notice and comment rulemaking (on the substantive amendments), promulgates regulations in substantially the same form as set forth in the exhibits to the settlement agreement, the RCRA petitioners will voluntarily dismiss their petitions to review the regulations in 40 CFR Parts 122-124 that were promulgated on May 19, 1980 and November 17, 1980.

The amendments promulgated today are technical amendments to the regulations. Today's promulgation fulfills EPA's obligations for all of the issues listed in Exhibit B to the settlement agreement.[1]

II. Changes to the Regulations

A. Topographic Map

Section 122.4(d)(7) of Title 40 of the Code of Federal Regulations requires that all applicants for RCRA, underground injection control (UIC), or NPDES permits provide a topographic map, using EPA's standard consolidated permit application forms. Section 122.4(d)(7) states that the topographic map must extend one mile beyond the property boundaries of the facility depicting all known wells, springs, other surface water bodies, and drinking water wells "in the map area" (i.e., extending one mile beyond the property boundaries). However, item XI of the instructions for Form 1 of the consolidated permit application forms states that the topographic map must show all springs and surface water bodies * * * plus all drinking water wells "within ¼ mile of the facility" (45 FR 33547, May 19, 1980).

EPA is today correcting this drafting anomaly. Although the instructions for Form 1 were correct, § 122.4(d)(7) was wrong. This section today is amended to require that the topographic map show wells, springs, other surface water bodies and drinking water wells within ¼ mile of the facility property boundaries. EPA stated in the preamble to the consolidated permit application forms that, in light of the slow movement of groundwater, the information within ¼ mile of the facility property boundary should be sufficient to prevent well contamination in cases where the groundwater becomes contaminated through faulty waste disposal or other practices. (See 45 FR 33519, May 19, 1980). The regulation now reflects this decision.

[1] EPA expects to propose the substantive amendments set forth in Exhibits C and D to the agreement over the next few months and will consider carefully all public comments on the proposals before making its final decisions.

B. Need To Halt or Reduce Activities not a Defense

As promulgated on May 19, 1980, § 122.7 of EPA's consolidated permit regulations contains conditions applicable to all RCRA, UIC, NPDES and 404 permits (dredge and fill permits under Section 404 of the CWA). The section itself requires that the conditions applicable to all permits be incorporated in the permits either expressly or by reference. EPA today is making changes to three paragraphs of § 122.7.

EPA is today changing the caption from "Duty to halt or reduce activity" to read "Need to halt or reduce activity not a defense," to better comport with the substance of the section, which is that a permittee will not be allowed to defend its noncompliance in an enforcement action on the ground that it would have otherwise had to halt or reduce the regulated activity. Section 122.7(c) deals only with the question of defenses to liability in an enforcement action, and not with the nature or extent of the remedy for permit violations. In cases involving civil penalties for noncompliance with RCRA permits, for example, the Agency is directed by Section 3008(c) of the Act to take into account the seriousness of the violation and any good faith efforts to comply. As stated in the May 19, 1980 preamble, 45 FR 33303, the Agency recognizes that in some instances halting or reducing activities could have more deleterious effects than to continue them, that in case of trivial noncompliance it might be inappropriate for a permittee to halt or reduce its operations, that it may be necessary to continue operations to locate the problem, or that less drastic means for assuring permit compliance may be appropriate.

The wording and meaning of the regulations are not being changed.

C. Duty to Provide Information

Section 122.7(h) imposes an obligation on each EPA permittee to provide "any information" requested by the permit-issuing authority to determine if the permittee is in compliance or if permit modification, revocation and reissuance, or termination is appropriate.

Today EPA is amending this section to clarify that RCRA permittees need only provide "any relevant information." Although EPA's intent has always been to request only relevant information, this change in language clarifies the Agency's intentions in writing for all RCRA permittees. Among other things, Section 3007(a) of RCRA, which is part of the basis for this provision of the regulations, requires any person who handles or has handled hazardous waste, to "furnish information relating to such wastes" upon request of any officer, employee or representative of the Environmental Protection Agency. The change in the language of the condition in § 122.7(h) that is inserted in all RCRA permits, therefore, is entirely consistent with the underlying enabling authority in RCRA.

D. Inspection and Entry

Section 122.7(i)(1) of the consolidated permit regulations currently provides that a permittee must allow the Director [2] or an authorized representative, upon the presentation of any documents required by law, to "enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit." EPA is today amending 40 CFR 122.7(i)(1) to require a RCRA permit to include a provision stating that the Director or an authorized representative may enter the facility only "at reasonable times." This phrase is used in Section 3007(a) of RCRA, which is the underlying RCRA authority for § 122.7(i)(1). The Agency is amending the regulation as it applies to RCRA permittees to include these words in order to make the words of the regulation entirely consistent with the statute, and alleviate concern expressed by the regulated community over this matter. EPA is still not precluded from inspecting without notice or at any time when an inspection is reasonably necessary to determine compliance or noncompliance with a RCRA permit.

E. Confidentiality

Section 122.19(d) of the regulations requires that claims of confidentiality for RCRA permit application information be substantiated at the time the application is submitted. The amendments today eliminate this requirement for up-front substantiation by deleting § 122.19(d) from the regulations. Section 122.19(d) was a special exception to the general rules in § 122.19 governing the submission to EPA of information claimed as confidential by the submitter. With the deletion of paragraph (d), § 122.19 (a) and (b)(1) will govern EPA's treatment of information claimed to be confidential by RCRA permit applicants and permittees. These paragraphs, in accordance with EPA's general confidentiality regulations in 40 CFR Part 2, require that any claim of confidentiality must be asserted at the time information is submitted to EPA. If no claim is made when the information is submitted to EPA, the Agency may make the information available to the public without further notice to the submitter. If a claim is asserted, EPA treats the information in accordance with the procedures in 40 CFR Part 2. To summarize those procedures briefly, they provide that before releasing any information for which a claim of confidentiality has been asserted, EPA will give the submitter an opportunity to comment on particular points related to the claim. EPA also gives the business asserting the claim notice of the Agency's determination of whether information is or is not entitled to confidential treatment. However, even confidential information may be disclosed, after notice, in special circumstances or when relevant in any proceeding under the applicable act of Congress (e.g., RCRA).

When the Agency promulgated § 122.19(d), it believed that substantiation of claims of confidentiality for RCRA permit application information should accompany the information when it was submitted. The Agency believed this because EPA wanted to be able to make as much permit application information as possible available to the public as quickly as possible in order to expedite permitting. The regulated community has complained, however, that such up-front substantiation is unnecessarily burdensome to them because it requires them to substantiate claims which they might never be required to substantiate under 40 CFR Part 2. Under those regulations no substantiation would be required if EPA never needed or wanted to determine the validity of the claim.

Although EPA still desires to make any necessary confidentiality determinations as quickly as possible, the Agency believes that the procedures already contained in 40 CFR Part 2 provide an adequate mechanism to do this. As noted above, the elimination of § 122.19(d) makes the treatment of claims of confidentiality under the RCRA permit program consistent with their treatment under the other permit programs governed by the consolidated permit regulations, all of which rely on the procedures in 40 CFR Part 2.

It should be noted that if obtaining substantiation of the confidentiality claim and determining the validity of the claim would take longer than the time estimated in the project decision schedule (40 CFR 124.3(g)) for issuance of a draft permit and an opportunity for public notice and comment, the decision schedule will be revised. This will allow

[2] As defined in § 122.3, "Director" means the EPA Regional Administrator or the state Director of an authorized program, as the circumstances require.

the public the opportunity to comment on all aspects of the permit application that may be disclosed under the provisions of 40 CFR Part 2.

F. Stay of RCRA Permits for New Facilities

Section 124.16 governs when permit conditions that are being contested by a permittee are, or may be, stayed. One particular provision in § 124.16(a) has been of concern to the petitioners in the "NRDC v. EPA" litigation.

Section 124.16(a) provides in part that when a RCRA permit is consolidated with an NPDES permit for reconsideration in an evidentiary hearing [3] the effect of the contested permit conditions is stayed and the conditions are not subject to judicial review pending final agency action. Section 124.16(a) further provides that if the permit involves a new facility, new source, new discharger, etc., the applicant is without a permit for the proposed new facility, etc., pending final agency action. Section 124.60(a)(1) reiterates that provision of § 124.16(a). [4] However, § 124.60(a)(2) provides that the Presiding officer at a hearing on the motion of "a source" may issue an order authorizing the source to begin operation before final agency action if it complies with all conditions of its final permit (received under § 124.15) during the period before final agency action. If a party opposes the source's motion to begin operation, the source must make certain demonstrations before the Presiding Officer may issue an order authorizing operation.

Petitioners in the "NRDC v. EPA" litigation have protested that although § 124.60(a)(2) allows new sources, new dischargers and recommencing dischargers to begin operations under an order from the Presiding Officer, the section apparently does not allow new facilities—the term for new hazardous waste management "sources"—to begin operations when a RCRA permit has been consolidated with an NPDES permit for reconsideration in an evidentiary hearing. They make that assertion because § 124.60(a)(2) uses the term "source" and does not mention the term "facility." They argue that it is unfair that a different result should obtain for NPDES and RCRA activities. EPA agrees that Presiding Officers should have the same authority to allow the commencement of operations at already constructed RCRA and NPDES facilities. EPA believes that the introductory paragraph of § 124.60(a), which states that "the following provisions apply to NPDES permits and to RCRA or UIC permits to the extent those permits may have been consolidated with an NPDES permit in a formal hearing" authorizes Presiding Officers to allow RCRA facilities to begin operations under the terms of § 124.60(a)(2). However, to clarify this issue, EPA is amending § 124.60(a)(2) to add the word "facility" after the word "source" each time it appears.

[3] This consolidation could take place under 40 CFR 124.74, 124.82 or 124.114.

[4] Section 124.60(a) is cross-referenced in § 124.16(a).

III. Effective Date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations and revisions to the regulations take effect six months after promulgation. In addition, Section 553(d) of the Administrative Procedure Act requires that substantive rules not become effective until at least 30 days after promulgation. The purpose of these requirements is to allow persons handling hazardous waste sufficient lead time to prepare to comply with major new regulatory requirements. For the technical amendments promulgated today, however, the Agency believes that an effective date of 30 days or six months after promulgation would cause unnecessary disruption in the implementation of the regulations and would not be in the public interest. Because these amendments are minor clarifications, there is no need to allow any lead time to prepare for conpliance. Therefore these amendments are effective immediately upon publication.

IV. Final Rule

EPA has determined under Section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B) , that notice and comment on these technical amendments is unnecessary.

As explained in the preamble, the amendments promulgated today are all very minor changes to the regulations, which clarify the existing regulations without changing the substantive requirements of the regulations. Notice and comment is unnecessary for such minor technical changes.

V. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis (RIA). A major rule is one which results in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The Agency does not anticipate that today's technical amendments will have any of the effects which characterize a rule as "major" under the Executive Order and therefore has not prepared an RIA on them.

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

List of Subjects in 40 CFR Part 122

Administrative practice and procedure, Air pollution control, Hazardous materials, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Confidential business information.

List of Subjects on 40 CFR Part 124

Administrative practice and procedure, Air pollution control, Hazardous materials, Waste treatment and disposal, Water pollution control, Water supply, Indians—lands.

Dated: March 31, 1982.

Anne M. Gorsuch,

Administrator.

For the reasons set out in the preamble, Parts 122 and 124 of Title 40 of the Code of Federal Regulations is amended as set forth below:

1. The authority citation for Parts 122 and 124 reads as follows:

Authority. Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*; the Safe Drinking Water Act, 42 U.S.C. 300(f) *et seq.*; the Clean Water Act, 33 U.S.C. 1251 *et seq.*; and the Clean Air Act, 42 U.S.C. 1857 *et seq.*

* * * * *

PART 122—EPA ADMINISTERED PERMIT PROGRAM: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM; THE HAZARDOUS WASTE PERMIT PROGRAM; AND THE UNDERGROUND INJECTION CONTROL PROGRAM

2. Section 122.4(d)(7) is amended by removing the words "in the map area" and inserting in their place "within ¼ mile of the facility property boundary," so that as amended, the paragraph now reads as follows:

§ 122.4 [Amended]

* * * * *

(d) * * *

(7) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property

boundaries of the source depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant within ¼ mile of the facility property boundary.

3. Section 122.7 is amended by revising the caption to paragraph (c) to read as follows:

§ 122.7 [Amended]

* * * * *

(c) *Need to halt or reduce activity not a defense.* * * *

4. Section 122.7 is amended by adding a second sentence to paragraph (h) so that the paragraph reads as follows:

§ 122.7 [Amended]

* * * * *

(h) *Duty to provide information.* The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit. *For RCRA only,* this condition shall include the word "relevant" immediately following the word "any" in the preceding sentence.

* * * * *

5. Section 122.7 is amended by adding a second clause to paragraph (i)(1) so that that paragraph reads as follows:

§ 122.7 [Amended]

* * * * *

(i) * * *

(1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit; *For RCRA only,* this condition shall include the phrase "at reasonable times" after "enter";

* * * * *

§ 122.19 [Amended]

6. Section 122.19 is amended by removing paragraph (d).

PART 124—PROCEDURES FOR DECISIONMAKING

7. The fourth sentence of § 124.16(a)(1) is removed and the third sentence is amended so that the paragraph (a)(1) now reads as follows:

§ 124.16 [Amended]

(a) *Stays.* (1) If a request for review of a RCRA or UIC permit under § 124.74 or § 124.114 is granted or if conditions of a RCRA or UIC permit are consolidated for reconsideration in an evidentiary hearing on an NPDES permit under § 124.82 or § 124.114, the effect of the contested permit conditions shall be stayed and shall not be subject to judicial review pending final agency action. (No stay of a PSD permit is available under this section.) If the permit involves a new facility or new injection well, new source, new discharger or a recommencing discharger, the applicant shall be without a permit for the proposed new facility, injection well, source or discharger pending final agency action, except as provided in § 124.60(a)(2).

* * * * *

8. Section 124.60(a)(2) is revised by adding "or facility" immediately following each occurance of the word "source" in that paragraph so that the paragraph now reads as follows:

§ 124.60 [Amended]

* * * * *

(a) * * *

(2) Wherever a source or facility subject to this paragraph has received a final permit under § 124.15 which is the subject of a hearing request under § 124.74 or a formal hearing under § 124.75, the Presiding Officer, on motion by the source or facility, may issue an order authorizing it to begin operation before final agency action if it complies with all conditions of that final permit during the period until final agency action. The Presiding Officer may grant such a motion in any case where no party opposes the motion, where the source or facility demonstrates that (i) it is likely to prevail on the merits; (ii) irreparable harm to the environment will not result pending final agency action if it is allowed to commence operations before final agency action; and (iii) the public interest requires that the source or facility be allowed to commence operations. All the conditions of any permit covered by that order shall be fully effective and enforceable.

* * * * *

[FR Doc. 82-9397 Filed 4-7-82; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 123

[SW FRL 2039-56]

Requirements for State Hazardous Waste Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of issuance of regulations interpretation memorandum.

SUMMARY: EPA is issuing today a Regulation Interpretation Memorandum (RIM) which provides official interpretation of one of the requirements for final authorization of State hazardous waste programs under the Resource Conservation and Recovery Act. Questions have been addressed to the Agency requesting clarification of the requirement in 40 CFR 123.37(d) that State permits issued prior to final authorization be reviewed by the State and modified or revoked and reissued to require compliance with the requirements of 40 CFR Part 123.

DATE: This Regulation Interpretation Memorandum becomes effective April 8, 1982.

FOR FURTHER INFORMATION CONTACT: Deborah Wolpe, State Programs and Resource Recovery Division, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-9107.

RIM 123-82-1, Regulation Interpretation Memorandum, Modification of Existing State Permits Upon Final Authorization of State Hazardous Waste Programs.

Issue

EPA has received questions concerning the interpretation of § 123.37(d) of the Requirements for State Hazardous Waste Programs. That section provides that permits issued under State law prior to the date of approval of final authorization shall be reviewed by the State Director and modified or revoked and reissued to require compliance with the requirements of Part 123. Questions have been raised concerning whether such review and modification of permits must occur before a State can obtain final authorization.

Discussion

EPA did not intend that review and modification of existing State permits necessarily occur before a State program is approved for final authorization. Rather, EPA intended that States seeking final authorization make a commitment to upgrade existing permits so that those permits will require compliance with the requirements of Part 123. The preamble to this section states that the State Director must review and change permits as necessary "after a State has received final authorization" (45 FR 33396, May 19, 1980).

The State application for final authorization will contain a Memorandum of Agreement (MOA) to be executed by the State Director and the EPA Regional Administrator. Section 123.6(d)(5) requires the MOA to provide for State review and modification of existing permits. That section states that "the Regional Administrator and the State Director shall establish a time within which this review must take place."

EPA intends that the schedule in the MOA provide a reasonable time period for the review and upgrading of existing State permits, based on such factors as the number of State permits and the additional permit terms and conditions needed to satisfy the requirements of Part 123.

Dated: February 23, 1982.

Approved:

Christopher J. Capper,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 82-9557 Filed 4-7-82; 8:45 am]

BILLING CODE 6560-50-M

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Vol. 47, No. 68

Thursday, April 8, 1982

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This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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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.

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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.

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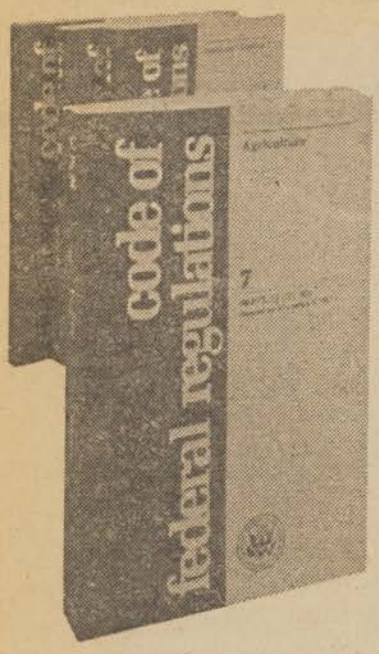

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