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

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Presidential Documents

Title 3—

The President

Proclamation 4930 of April 16, 1982

National Architecture Week, 1982

By the President of the United States of America

A Proclamation

April 20, 1982 marks the 125th Anniversary of the American Institute of Architects. With a spirit of appreciation, the American people honor and congratulate the Institute for its many accomplishments.

American architects have historically expressed through their work the richness of our heritage and the vitality of our national spirit. They have combined advances in building technology with design innovation to give exciting new forms to our cities. The architectural profession, through its Institute, has been especially vigilant in its stewardship of many of the Nation's architectural treasures, including the monuments, buildings, majestic avenues and green spaces of the Federal City of Washington, D.C.

The Senate has, by Senate Joint Resolution 169, recognized the unique contribution made by this honored profession and has requested me to designate April 18 through April 24, 1982, as National Architecture Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim April 18 through April 24, 1982 as National Architecture Week. I call upon the people of the United States and all government agencies to observe the week with appropriate ceremonies and activities paying tribute to the Architects of America in this, the one hundred and twenty-fifth year of the existence of the American Institute of Architects.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th 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. 82-10883
Filed 4-19-82; 10:12 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4931 of April 16, 1982

Law Day U.S.A., 1982

By the President of the United States of America

A Proclamation

The United States serves the world as a model of representative democracy, individual freedom and equal justice for all. These three goals of our Nation, guaranteed by the Constitution and the Bill of Rights and guarded by the dedication of our people, ensure that the United States will continue to be a beacon of liberty to oppressed peoples around the globe.

Law Day U.S.A. stands in sharp contrast to "May Day" observances conducted in the Communist world. We have only to look at recent events in Poland to be reminded of the difference between the rule of force and the rule of law. While freedom has been repressed in many lands since Law Day was first observed 25 years ago, it has steadily grown in our own, with increasing respect for the rights of all members of our society. It is thus fitting that the theme of Law Day, 1982, is "A Generation of Progress."

This 25th celebration of Law Day U.S.A. is also significant in view of this particular moment in our history. Two hundred years ago our forefathers, having fought and won the Battle of Yorktown, began the final process of establishing our federal system—the cornerstone of our Republic. This process, beginning with the end of the Revolutionary War, progressed through the Articles of Confederation and culminated with the adoption of the Constitution by the Convention of States on September 17, 1787. Thus, Law Day U.S.A., 1982, celebrates not only 25 years of progress, but also 200 years of progress.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, proclaim Saturday, May 1, 1982, as Law Day U.S.A. and invite the American people to mark the observance with programs that stress the importance of the Constitution to our individual freedoms and our form of government.

I urge the clergy of all faiths to bring the moral and ethical dimensions of the law to public attention through sermons and suitable programs.

I call upon students and teachers at all levels to study and teach the events and documents that led to the adoption of the Constitution in 1787 and its ratification on June 21, 1788, so that the 200th Anniversary of our Constitution might be marked by learned discourse on the history and purpose of this great Charter of Freedom.

I also call upon public officials to display the flag of the United States on all government buildings open on May 1, 1982.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th 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. 82-10944
Filed 4-19-82; 10:13 am]
Billing code 3195-01-M

Editorial Note: The President's remarks of Apr. 16, 1982, on signing Proclamation 4931 are printed in the *Weekly Compilation of Presidential Documents* (vol. 18, no. 15).

Presidential Documents

Proclamation 4932 of April 16, 1982

Prayer for Peace Memorial Day, 1982

By the President of the United States of America

A Proclamation

Since the end of the Civil War, Memorial Day has been the time when we honor the American men and women who gave up their lives on the field of battle. We do this in recognition of the enormous sacrifice they have made to preserve our liberty and, also, of the responsibility we bear to transmit liberty to future generations.

Memorial Day is an opportunity to remember that those who died in the defense of our country were serving an even higher cause. For all through our history, America has been a beacon to other peoples, serving as a source of political inspiration, a haven for the poor and oppressed, and a friend to nations in distress. Today, as so often in the past, we stand as a guarantor of peace. In full accord with our national ideals and responsibilities, we are prepared to assist countries threatened by economic upheaval or international violence. And we stand ready to work together with other nations to remove the sources of conflict and insecurity and build a firm foundation for peace in the future.

In recognition of those Americans to whom we pay tribute today, the Congress, by joint resolution of May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Memorial Day, Monday, May 31, 1982, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer. I urge the press, radio, television, and all other information media to cooperate in this observance.

I also request the Governors of the United States and the Commonwealth of Puerto Rico and the appropriate officials of all local units of government to direct that the flag be flown at half-staff during this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control, and I request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th 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. 82-10945
Filed 4-19-82; 10:14 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4933 of April 16, 1982

National Farm Safety Week, 1982

By the President of the United States of America

A Proclamation

Agriculture, America's oldest and most important industry, once required much of the time of most of our people. No more. Now each farm or ranch worker provides enough food and fiber for himself and 77 others here and around the world.

We are blessed with abundance, but we have no guarantees for the future. If we are to be ready to meet expanding markets and world needs for the products of our agricultural bounty, we must search for still better farming methods. We must find ways to control such factors as accidents that erode our productive capacity in agriculture.

Last year nearly 400,000 farm and ranch residents were injured—many of them fatally—in accidents. The cost in dollars was substantial and, in human suffering, incalculable.

While difficult jobs and adverse conditions are a part of farming, accidents need not be. Most farm accidents and occupational illnesses can be prevented or reduced through safe work practices, use of protective equipment, and attention to safety in the rural home, in transportation, and in recreation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week of September 19 through September 25, 1982, as National Farm Safety Week. I call upon those who live and work on the nation's farms and ranches to commit themselves to the safe conduct of all their activities, both on and off the job. Also, I urge the people and organizations allied with agriculture to help turn this commitment into reality by supporting personal, group, and community safety efforts in every possible way.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th 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. 82-10946
Filed 4-19-82; 10:15 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4934 of April 16, 1982

Armed Forces Day, 1982

By the President of the United States of America

A Proclamation

Each year we Americans set aside one day to honor the brave and dedicated men and women of the Army, Navy, Air Force, Marine Corps and Coast Guard.

They serve our nation with dignity, courage, and pride in duty stations throughout the world. The peace we enjoy today reminds us of their important role.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America and Commander in Chief of the Armed Forces of the United States, continuing the precedent of my seven immediate predecessors in this Office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, the Navy, the Air Force, and the Marine Corps, and the Secretary of Transportation on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for soliciting the participation and cooperation of civil authorities and private citizens.

I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States.

I also invite national and local veterans, civic and other organizations to join in the observance of Armed Forces Day each year.

I call upon all Americans not only to display the flag of the United States at their homes on Armed Forces Day, but also to learn about our system of defense, and about the men and women who sustain it, by attending and participating in the local observances of the day.

Proclamation 4571 of May 15, 1978, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th 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. 82-10947
Filed 4-19-82; 10:16 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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Tuesday, April 20, 1982

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

Spearmint Oil Produced in the Far West; Final Salable Quantities and Allotment Percentages for the 1982–83 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes the quantity of spearmint oil produced in the Far West, by class, that may be purchased from, or handled for, producers by handlers during the 1982–83 marketing year. This action is taken under the marketing order for spearmint oil produced in the Far West to promote orderly marketing conditions.

EFFECTIVE DATE: June 1, 1982 through May 31, 1983.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Acting 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 result in only minimal costs being incurred by the regulated ten handlers.

In order to minimize disruption this regulation is being issued with the understanding that the Spearmint Oil Administrative Committee will initiate action in 1982 under Marketing Order No. 985 so that operations under the program will conform to the Department's Guidelines for fruit, vegetable, and specialty crop marketing orders, issued January 25, 1982. Action has already been taken towards compliance with the Guidelines as follows:

1. To refrain from initiating action to qualify under Sec. 8(e) of the Agricultural Marketing Agreement Act of 1937, as amended;

2. To submit a plan by July 1, 1982, to the Department's request relating to increasing the issuance of additional base to new and existing growers.

In addition to the above action on the Guidelines, a plan will also be submitted by July 1, 1982, to the Department's request relating to transfer of allotment base.

A subcommittee has been appointed to implement these matters.

Notice was published in the March 2, 1982, issue of the **Federal Register** (47 FR 8784) inviting comments on this action until March 26. None was received.

The salable quantity and allotment percentage for each class of spearmint oil are established in accordance with the provisions of Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action was recommended unanimously by the Committee which works with USDA in administering the order.

The salable quantity and allotment percentage for each class of spearmint oil for the 1982–83 marketing year are based upon recommendations of the Committee pursuant to § 985.50 of the order and the following data and estimates:

(1) "Class 1" Oil (First Cutting Scotch)

(A) Estimated carryin on June 1, 1982—457,015 pounds.

(B) The Committee's recommendation for the salable quantity—323,587 pounds.

(C) Estimated trade demand (domestic and export) for the 1982–83 marketing year—770,000 pounds.

(D) Recommended desirable carryout on May 31, 1983—15,000 pounds.

(E) Total allotment bases for "Class 1" Oil—1,406,899 pounds.

(F) Recommended allotment percentage—23 percent.

(2) "Class 2" Oil (Second Cutting Scotch)

(A) Estimated carryin on June 1, 1982—98,450 pounds.

(B) The Committee's recommendation for the salable quantity—0 pounds.

(C) Estimated trade demand (domestic and export) for the 1982–83 marketing year—30,000 pounds.

(D) Recommended desirable carryout on May 31, 1983—0 pounds.

(E) Total allotment bases for "Class 2" Oil—126,901 pounds.

(F) Recommended allotment percentage—0 percent.

(3) "Class 3" Oil (Native)

(A) Estimated carryin on June 1, 1982— 812,289 pounds.

(B) The Committee's recommendation for the salable quantity—171,745 pounds.

(C) Estimated trade demand (domestic and export) for the 1982–83 marketing year—800,000 pounds.

(D) Recommended desirable carryout on May 31, 1983—0 pounds.

(E) Total allotment bases for "Class 3" Oil—1,717,453 pounds.

(F) Recommended allotment percentage—10 percent.

The salable quantity is the total quantity of each class of oil which handlers may purchase from or handle on behalf of producers during a marketing year. Each producer is allotted a share of the salable quantity by applying the allotment percentage to his allotment base for the applicable class.

The order has been in effect since April 14, 1980. The industry had an oversupply problem prior to the establishment of the order and has been working to reduce these burdensome supplies through the use of the order's volume control provisions. There still is a severe oversupply of spearmint oil in all three classes. While indications are that handlers and users have been attempting to reduce their inventories of spearmint oil, thereby putting the burden of storage costs on producers, it is believed that these stocks are heavy. Currently, the producers' market is reported to be inactive, with few sales at relatively low prices (below production cost). Low prices are expected to continue in 1982. The Committee believes that a continued effort to reduce stocks and bring

supplies into balance with needs is the best way to create a stable market for each class of oil. The Committee's recommendations are expected to result in a reduction of the excessive stocks of all three classes of oil and appear appropriate for the 1982–83 season.

At the beginning of the 1980–81 season, "Class 1" Oil producer stocks were more than a year's supply. A volume regulation reduced these supplies during the first season and it is anticipated that it will be further reduced by the end of the 1981–82 season. The regulation for the 1982–83 marketing year is intended to remove the balance of the excess grower stocks so supplies will be more in balance with demand.

It has been difficult to reduce the heavy stock level of "Class 2" Oil. Although, volume regulations issued the past two years have been increasingly restrictive, heavy stocks remain. The projected carryin at the beginning of the 1982–83 marketing year is 98,450 pounds, compared to estimated 1981–82 sales of 30,000 pounds and 1980–81 sales of 55,581 pounds. It is expected that growers would not make a second cutting of scotch in the 1982 season, thereby avoiding harvesting and distillation costs.

Sales of "Class 3" Oil have lagged behind early expectations in both the 1980–81 and 1981–82 season. With 1982–83 sales projected at about the 1981–82 level and anticipated carryin about two percent more than the expected 1982–83 sales, no 1982 crop would be needed. However, so that producers will have adequate supplies of roots to expand acreage if needed in 1983 or later, the Committee recommended a salable quantity of 171,745 pounds and an allotment percentage of 10 percent.

The Committee had recommended less restrictive allotment percentages for the past two marketing years, anticipating that the market would strengthen and absorb a portion of the excessive inventory of spearmint oil. The market has not absorbed these inventories and supplies remain burdensome. This has resulted in the current sluggish market situation. Other factors contributing to this condition are as follows:

1. Users (manufacturers of chewing gum and toothpaste) acquired large quantities of spearmint oil when prices were low in 1978 and 1979. Since spearmint oil is storable for long periods of time, users can draw upon these inventories for several years.

2. Manufacturers are hesitant to borrow money at the current high interest rates to stock spearmint oil since it is only a minor ingredient in their products.

3. Manufacturers are aware of the large inventories of spearmint oil held by producers and the sluggish market. Consequently, they are not under any pressure to acquire stocks. They can readily acquire the oil as they need it.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, and other available information, it is further found that establishing the salable quantities and allotment percentages as hereinafter set forth would tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 985

Marketing agreements and orders; Spearmint Oil.

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

Therefore, a new § 985.202 is added under Subpart—Salable Quantities and Allotment Percentages (7 CFR Part 985.201; 46 FR 25424) as follows: (The following provisions will not be published in the Code of Federal Regulations).

§ 985.202 Salable quantities and allotment percentages—1982–83 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year which begins June 1, 1982, shall be as follows:

(a) "Class 1" Oil—a salable quantity of 323,587 pounds and an allotment percentage of 23 percent.

(b) "Class 2" Oil—a salable quantity of 0 pounds and an allotment percentage of 0 percent.

(c) "Class 3" Oil—a salable quantity of 171,745 pounds and an allotment percentage of 10 percent.

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

Dated: April 15, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 82-10791 Filed 4-19-82; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 991

Hops of Domestic Production; Final Salable Quantity and Allotment Percentage for the 1982–83 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Emergency final rule.

SUMMARY: This emergency final rule establishes the quantity of hops that may be freely marketed from the 1982 crop to promote orderly marketing conditions under the marketing order for domestic hops.

EFFECTIVE DATE: August 1, 1982 through July 31, 1983.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule under criteria contained therein.

In order to minimize disruption this regulation is being issued with the understanding that the Hop Administrative Committee will initiate action in 1982 under Marketing Order No. 991 so that operations under the program will conform to the Department's Guidelines for fruit, vegetable, and specialty crop marketing orders, issued January 25, 1982. Action has already been taken towards compliance with the Guidelines as follows:

1. To refrain from initiating action to qualify under Sec. 8(e) of the Agricultural Marketing Agreement Act of 1937, as amended;

2. A resolution was adopted by the only cooperative in the hop industry to refrain from block voting in future referenda;

3. To amend the current committee nomination background statement form to include the stipulation that henceforth the nominee will not serve more than four consecutive terms of two years each; and

4. To submit a plan by July 1, 1982, to the Department's request relating to issuance of additional base to new and existing growers.

In addition to the above action on the Guidelines, a plan will also be submitted by July 1, 1982, to the Department's request relating to transfer of base.

A subcommittee has been appointed to implement these matters.

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 result in only

minimal costs being incurred by the regulated nine handlers.

It is found that it is impractical, unnecessary, and contray to the public interest to give preliminary notice because an emergency situation exists which warrants publication without opportunity for a public comment period on this emergency final action. Handlers and growers are making preparations for handling and growing 1982 crop hops. Hence, it is critical that they know as soon as possible what salable quantity and allotment percentage will be effective for the 1982–83 marketing year so they can plan their operations accordingly.

The salable quantity and allotment percentage would be established in accordance with the provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The rule was recommended by the Hop Administrative Committee.

The salable quantity for the ensuing marketing year is based upon a recommendation of the Committee, and the following estimates for the marketing year beginning August 1, 1982:

(1) Total domestic consumption of 45,000,000 pounds of hops;

(2) Minus imports of 16,500,000 pounds of hops to result in domestic consumption of U.S. hops of 28,500,000 pounds;

(3) Plus total exports of 44,500,000 pounds of hops to equal 73,000,000 pounds total usage of U.S. hops;

(4) Plus 2,500,000 pounds to adjust for weight loss of hops processed into pellets and extracts;

(5) Plus 1,000,000 pounds as an inventory adjustment; and

(6) Plus an adjustment of 1,754,649 pounds to provide for adequate supplies should some producer allotments not be fully produced.

Under the rule, the salable quantity for the 1982–83 marketing year is 78,254,649 pounds.

The salable percentage of 130 percent is computed by subtracting from this salable quantity 1,203,809 pounds for additional allotment bases for hops of the Fuggle variety pursuant to § 991.38(b) and § 991.138(c) and dividing the remainder by 59,270,000 pounds the total of all other allotment bases.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee, and other available information it is further found that to establish a salable quantity and allotment percentage as hereafter set forth, will tend to effectuate the declared policy of the act.

PART 991—HOPS OF DOMESTIC PRODUCTION

List of Subjects in 7 CFR Part 991

Hops, Marketing agreements.

Therefore, the salable quantity and allotment percentage to be applicable to the 1982–83 marketing year (August 1, 1982-July 31, 1983) are established as follows:

§ 991.220 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1982.

The allotment percentage during the marketing year beginning August 1, 1982, shall be 130 percent, and the salable quantity shall be 78,254,649 pounds.

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

Dated: April 15, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 82–10792 Filed 4–19–82; 8:45 am]

BILLING CODE 3410–02

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 3

[AG Order No. 976–82]

Board of Immigration Appeals; Oral Argument; Summary Dismissal of Appeals

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMRY: The provisions of 8 CFR 3.1(e) are revised to grant to the Board of Immigration Appeals the authority to deny oral argument whenever the Board in its discretion determines that such oral argument would serve no useful purpose. Previously under 8 CFR 3.1(e), the right to request oral argument was with the party appealing the decision rendered below and in certain cases oral argument was mandatory unless the appeal was summarily dismissed under the provisions of 8 CFR 3.1(d)(1–a). The amendment gives the Board the authority to determine in each case whether oral argument is warranted. Additionally, the proposed revision modifies 8 CFR 3.1(d)(1–a) to permit in appropriate circumstances the summary dismissal of any appeal before the Board, not solely the summary dismissal of appeals in deportation cases as was previously the case.

EFFECTIVE DATE: May 20, 1982.

FOR FURTHER INFORMATION CONTACT: David B. Holmes, Executive Assistant, Board of Immigration Appeals (703/756–6170), 5203 Leesburg Pike, Suite 1609, Falls Church, Va. 22041.

SUPPLEMENTARY INFORMATION: On January 13, 1982, the Department of Justice published in the **Federal Register** at 47 FR 1396, with a request for public comments, proposed changes to the regulations regarding oral argument and the summary dismissal of appeals before the Board of Immigration Appeals. 8 CFR 3.1(d)(1–a) and (e). Comments were received in response to the notice, including comments on behalf of the American Immigration Lawyers Association and the Institute for Public Representation.

All comments expressed opposition to the proposed revision giving the Board the discretion in all cases to determine whether or not oral argument is warranted. Several comments suggested that the appealing party should always be the "final arbitor" of whether oral argument was necessary. Others suggested that specific standards should be defined by regulation as to when oral argument would or would not be required. The American Immigration Lawyers Association suggested a "better rule would involve the requirement that oral argument not be granted unless briefs are timely filed and then limited to issues determined by the Board and specified in advance of oral argument."

The beneficial role that oral argument can play in the presentation of an appeal is well recognized and unquestioned. It is concluded, however, that the ultimate determination of whether its deliberation concerning a case would be significantly aided by oral argument should be vested in the Board and that the Board should have the discretion to determine whether and under what conditions oral argument should be presented.

All those who commented also expressed opposition in whole or in part to the proposed extension of the summary dismissal provisions of 8 CFR 3.1(d)(1–a) to other than deportation cases. Concern was expressed that the enlargement of these provisions would lead to the unwarranted summary dismissal of meritorious appeals, particularly in cases involving unrepresented parties. Specific concern was raised with the deletion from 8 CFR 3.1(d)(1–a)(ii) of the requirement that a concession of fact or law be made at a hearing in order to allow for summary dismissal. It was submitted that a concession made at a formal hearing, surrounded by the safeguards of due process, was "more likely to reflect a

deliberate, articulated choice." It was also suggested that the language chosen for summary dismissal authority went "far beyond" that which was needed and that appeals should not be summarily dismissed without the "full utilization of adversary proceedings by way of appellee's motion * * * ."

The summary dismissal provisions of 8 CFR 3.1(d)(1–a) applicable to deportation cases have been in effect since 1964 and have been in force in their present form since 1971. The provisions have been applied by the Board without significant difficulty or objection for some 18 years with due concern for appeals by unrepresented parties. It is deemed appropriate that such provisions apply not only to deportation cases, but also to the other categories of cases within the Board's jurisdiction. The proposed revision to 8 CFR 3.1(d)(1–a)(ii), however, will be modified to include within its scope only concessions made at deportation or exclusion hearings. Accordingly, with the single above noted change, the proposed revision of 8 CFR 3.1(d)(1–a) will be adopted.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that the rule will not have a significant economic impact on a substantial number of small entities. Further, the rule is not a major rule within the definition of section 1(b) of E.O. 12291 and is not subject to a regulatory impact analysis.

List of Subjects in 8 CFR Part 3

Administrative practice and procedure, Authority delegations, Board of Immigration Appeals, Immigration, Organization and functions.

PART 3—BOARD OF IMMIGRATION APPEALS

Accordingly, paragraphs (d)(1–a) and (e) of 8 CFR 3.1 are revised, to read as follows:

§ 3.1 Board of Immigration Appeals

* * * * *

(d) * * *

(1–a) *Summary dismissal of appeals.* The Board may summarily dismiss any appeal in any case in which (i) the party concerned fails to specify the reasons for his appeal on Form I–290A (Notice of Appeal); (ii) the only reason specified by the party concerned for his appeal involves a finding of fact or a conclusion of law which was conceded by him at the deportation or exclusion hearing; (iii) the appeal is from an order that granted the party concerned the relief which he requested, or (iv) the Board is satisfied, from a review of the record, that the appeal is frivolous or filed solely for the purpose of delay.

* * * * *

(e) *Oral Argument.* When an appeal has been taken, request for oral argument if desired shall be included in the Notice of Appeal. Oral argument shall be heard at the discretion of the Board at such date and time as the Board shall fix. The Service may be represented before the Board by an officer of the Service designated by the Service.

* * * * *

Dated: April 7, 1982.

William French Smith,

Attorney General.

[FR Doc. 82-10804 Filed 4-19-82; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 82

[Docket No. 82-037]

Exotic Newcastle Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: The purpose of this document is to suspend until further notice Title 9, Code of Federal Regulations, § 82.6 (9 CFR 82.6), which requires that certain psittacine birds moved interstate from California be banded with a legband and accompanied by a document. This action is necessary because it now appears that the Department is unable to provide the services necessary for the interstate movement of certain psittacine birds from California in accordance with 9 CFR 82.6.

DATES: The effective date of this document is April 20, 1982. Written comments concerning this interim rule must be received on or before June 21, 1982.

ADDRESS: Written comments concerning this interim rule should be submitted to the Deputy Administrator, Veterinary Services, APHIS, USDA, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 870 of the Federal Building, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: W. W. Buisch, Chief Staff Officer, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 748, Hyattsville, MD 20782, 301–436–8073.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been determined to be not a "major rule." The Department has determined that this rule will not cause a significant increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any 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 emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

Dr. J. K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim rule. Due to the present inability of the Department to provide the services necessary for the interstate movement of certain psittacine birds from California in accordance with 9 CFR 82.6, a situation exists requiring immediate action to suspend 9 CFR 82.6.

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

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. On March 16, 1982, there were published in the **Federal Register** (47 FR 11243–11246), an interim rule which amended 9 CFR, Part

82, to provide that certain psittacine birds shall not be moved interstate from California unless banded with a legband and accompanied by a document, signed and dated by a federal inspector. Dr. Harry C. Mussman determined that the action which imposed these requirements would not have a significant economic impact on a substantial number of small entities. Therefore, based upon the fact that the rule which this interim rule suspends was determined not to have a significant economic impact on a substantial number of small entities, and the limited period of time since the effective date of the rule, it appears that this interim rule would not impose a significant economic impact on a substantial number of small entities.

Background

On March 16, 1982, there was published in the **Federal Register** (47 FR 11243—11246), an interim rule amending the regulations in 9 CFR Part 82. That interim rule added, among other things, § 82.6 which requires that certain psittacine birds moved interstate from California be banded with a legband and accompanied by a document setting forth certain specified information and signed and dated by a federal inspector. The Department has been unable to provide services necessary for the interstate movement of certain psittacine birds from California in accordance with 9 CFR 82.6. Specifically, the Department has found that it cannot in all instances make a federal inspector available in a timely fashion to sign and date documents required by 9 CFR 82.6, to accompany certain psittacine birds moved interstate from California. Therefore, this interim rule suspends 9 CFR 82.6, until further notice and re-evaluation by the Department.

List of Subjects in 9 CFR Part 82

Animal diseases, Poultry and poultry products, Quarantine, Transportation, Exotic Newcastle disease, Ornithosis, Psittacosis.

PART 82—EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY; PSITTACOSIS AND ORNITHOSIS IN POULTRY

Accordingly, Part 82, Title 9, Code of Federal Regulations, is amended by suspending § 82.6 until further notice.

(Sec. 2, 32 Stat. 792, as amended (21 U.S.C. 111); 37 FR 28464, 28477; 38 FR 19141)

Done at Washington, D.C., this 15th day of April 1982.

R. I. Brown,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-10716 Filed 4-15-82; 4:14 pm]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0397]

Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty; Regulation Q; Berrien and Monroe Counties, Mich.

AGENCY: Federal Reserve System.

ACTION: Partial temporary suspension of Regulation Q.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms and flooding in the Michigan counties of Berrien and Monroe.

EFFECTIVE DATE: March 29, 1982.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452-3711) or Beverly A. Belcamino, Attorney (202/452-3623).

SUPPLEMENTARY INFORMATION: On March 29, 1982, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the Michigan counties of Berrien and Monroe major disaster areas. The Board regards the President's actions as recognition by the Federal government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms and flooding beginning on or about March 12, 1982. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to March 29, 1982 for the designated counties and will remain in effect until 12 midnight September 29, 1982.

List of Subjects in 12 CFR Part 217

Advertising; Banks, banking; Federal Reserve System; Foreign banking.

Pursuant to its authority under section 19(j) of the Federal Reserve Act (12 U.S.C. 371b), the Board has determined it to be in the public interest to suspend the penalty provision in § 217.4(d) of Regulation Q for the benefit of depositors suffering disaster-related losses in the Michigan counties of Berrien and Monroe, which have been officially designated major disaster areas by the President. The Board, in granting this temporary suspension, encourages member banks to permit penalty-free withdrawal before maturity of time deposits for depositors who have suffered disaster-related losses within the designated disaster areas.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the Michigan counties of Berrien and Monroe directly affected by the severe storms and flooding, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority (12 CFR 265.2(a)(13)), April 13, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-10718 Filed 4-19-82; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Part 217

[Docket No. R-0399]

Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty; Regulation Q; Ohio

AGENCY: Federal Reserve System.

ACTION: Partial temporary suspension of the Regulation Q.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for

the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms and flooding in designated areas of Ohio.

EFFECTIVE DATES: March 26, 1982, for the Ohio counties of Defiance, Henry, Wood, Paulding, and Lucas (excluding that portion of the City of Toledo east of Route 24 and north of Route 2); April 2, 1982, for the Village of Scott in Van Wert County; and April 6, 1982, for Williams and Fulton counties.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452–3711) or Beverly A. Belcamino, Attorney (202/452–3623).

SUPPLEMENTARY INFORMATION: On March 26, 1982, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the Ohio counties of Defiance, Henry, Wood, Paulding, and Lucas (excluding that portion of the City of Toledo east of Route 24 and north of Route 2) major disaster areas. The declaration was subsequently amended on April 2, 1982, to include the Village of Scott in Van Wert County and on April 6, 1982, to include the Ohio counties of Williams and Fulton. The Board regards the President's actions as recognition by the Federal government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms and flooding beginning on or about March 12, 1982. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to March 26, 1982, for the Ohio counties of Defiance, Henry, Wood, Paulding, and Lucas (excluding a portion of the City of Toledo), April 2, 1982, for the Village of Scott in Van Wert County, and April 6, 1982, for the counties of Williams and Fulton and will remain in effect until 12 midnight, October 6, 1982.

List of Subjects in 12 CFR Part 217

Advertising; Banks, banking; Federal Reserve System; Foreign banking.

Pursuant to its authority under section 19(j) of the Federal Reserve Act (12 U.S.C. 371b), the Board has determined it to be in the public interest to suspend the penalty provision in § 217.4(d) of Regulation Q for the benefit of depositors suffering disaster-related losses in those areas in Ohio which have been officially designated major disaster areas by the President. The Board, in granting this temporary suspension, encourages member banks to permit penalty-free withdrawal before maturity of time deposits for depositors who have suffered disaster-related losses within the designated disaster areas.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the designated areas of Ohio directly affected by the severe storms and flooding, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority (12 CFR 265.2(a) (13)), April 14, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82–10719 Filed 4–19–82; 8:45 am]

BILLING CODE 6210–01–M

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12 CFR Part 217

[Docket No. R–0396]

Interest on Deposits, Regulation Q; Temporary Suspension of Early Withdrawal Penalty; Lamar County, Tex.

AGENCY: Federal Reserve System.

ACTION: Partial temporary suspension of Regulation Q.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms and tornadoes in Lamar County, Texas.

EFFECTIVE DATE: April 8, 1982.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney, (202/452–3711) or Beverly A. Belcamino, Attorney, (202/452–3623).

SUPPLEMENTARY INFORMATION: On April 8, 1982, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated Lamar County, Texas a major disaster area. The Board regards the President's actions as recognition by the Federal government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster area as a result of the severe storms and tornadoes beginning on or about April 2, 1982. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to April 8, 1982, for the designated county and will remain in effect until 12 midnight October 8, 1982.

List of Subjects in 12 CFR Part 217

Advertising, Banks, banking, Federal Reseve System, Foreign banking.

Pursuant to its authority under section 19(j) of the Federal Reserve Act (12 U.S.C. 371b), the Board has determined it to be in the public interest to suspend the penalty provision in § 217.4(d) of Regulation Q for the benefit of depositors suffering disaster-related losses in Lamar County, Texas, which has been officially designated a major disaster area by the President. The Board, in granting this temporary suspension, encourages member banks to permit penalty-free withdrawal before maturity of time deposits for depositors who have suffered disaster-related losses within the designated disaster area.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in Lamar County, Texas directly affected by the severe storms and flooding, good cause exists for

dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority (12 CFR 265.2(a)(13)), April 13, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-10717 Filed 4-19-82; 8:45 am]

BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701, 707, 708, and 745

[NCUA IRPS 82-1]

Membership in Federal Credit Unions; Interpretative Ruling and Policy Statement

AGENCY: National Credit Union Administration (NCUA).

ACTION: Interpretative ruling and policy statement.

SUMMARY: The NCUA Board has adopted a policy statement clarifying its interpretation of Sections 107(14) and 109 of the Federal Credit Union Act (12 U.S.C. 1757(14) and 1759) to (1) permit a Federal credit union, which purchases the loans of a liquidating credit union, to offer membership to the borrowers whose loans have been purchased, and (2) authorized the granting of charters, charter amendments, conversions to Federal charters, and mergers to credit unions which desire to serve multiple occupational groups. This action was taken in response to interest expressed by credit unions. It is intended to clarify NCUA's policy on membership in Federal credit unions, to make portfolios of loans sold by the National Credit Union Share Insurance Fund more attractive to potential Federal credit union purchasers, and to ensure the continued availability of credit union service.

EFFECTIVE DATE: April 1, 1982.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Charles Filson, Director, Office of Programs, at the above address or telephone (202) 357-1130.

Interpretative Ruling and Policy Statement (IRPS) 82-1

a. A Federal credit union which purchases the loans of a liquidating credit union may offer full membership rights and services to the borrowers whose loans it has purchased. Accordingly, the purchasing Federal credit union must apply for and obtain an appropriate amendment to section five of its charter.

b. With respect to applications or requests for multiple occupational type Federal credit union charters, charter amendments, conversions to Federal charters, and mergers, the NCUA Board hereby authorizes the NCUA Regional Directors to approve or disapprove these applications/requests in accordance with the following guidelines.

1. The occupational groups to be included (new charter) or added (amendment, merger, conversion) have specifically requested credit union service.

2. The applicant demonstrates that credit union service can be provided and that each group wishes to be served by the applicant.

3. All the occupational groups to be included (new charter) or added (amendment, merger, conversion) are located within a well defined area.

4. The applicant has adequately supported the proposal as economically feasible and advisable.

In all cases of disapproval of a select employee group application, the Regional Director will advise the applicant of the reason(s) for disapproval and of the right to appeal the decision to the NCUA Board.

By the National Credit Union Administration Board, April 1, 1982.

Dated: April 12, 1982.

Rosemary Brady,

Secretary, National Credit Union Administration Board.

[FR Doc. 82-10690 Filed 4-19-82; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 81N-0266]

Incorporation by Reference Regulatory Text: Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that amended incorporation-by-reference regulatory text in 21 CFR Part 177.

EFFECTIVE DATE: April 20, 1982.

FOR FURTHER INFORMATION CONTACT: Agnes Black, Federal Register Writer (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 82-7179, appearing at page 11835 in the issue for Friday, March 19, 1982, FDA made various changes in incorporation-by-reference texts. In two amendments, those to §§ 177.1050(d) and 177.1480(b)(2), the amendments gave the impression that a phrase following each incorporation by reference was to be deleted. This was not intended. Therefore, the following clarifications are made:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

§ 177.1050 [Corrected]

1. In § 177.1050(d), the text after the incorporation by reference, which reads: "and are applicable to the modified polymers in the form of particles of a size that will pass through a U.S. Standard Sieve No. 6 and that will be held on a U.S. Standard Sieve No. 10:", is retained.

§ 177.1480 [Corrected]

2. In § 177.1480(b)(2), the text after the incorporation by reference, which reads: "and are applicable to the basic polymers in the form of particles of a size that will pass through a U.S. Standard Sieve No. 6 and that will be held on a U.S. Standard Sieve No. 10:", is retained.

Dated: April 12, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-10581 Filed 4-19-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Pyrantel Pamoate Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pfizer, Inc., providing revised indications for

use of pyrantel pamoate suspension as an anthelmintic in horses and ponies.

EFFECTIVE DATE: April 20, 1982.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 E. 42d St., New York, NY 10017, is sponsor of an NADA (91–739) providing for use of pyrantel pamoate suspension for the removal and control of certain large and small strongyles, pinworms, and large roundworms in horses and ponies. The supplement provides for deleting the claim for use against *Trichonema* and *Triodontophorus* since *Trichonema* is no longer recognized as a valid genus and use of *Triodontophorus* as the sole small strongyle genus implies it is the only genus of this helminth against which the drug is effective.

This is a type of change permitted in advance of approval in accordance with §514.8(d) (21 CFR 514.8(d)). Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category I supplemental approval which does not require reevaluation of the safety and effectiveness data in the original approval.

The agency has determined pursuant to 21 CFR 25.24 (d)(1)i) (proposed December 1, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83).

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Part 520 is amended in § 520.2043 *Pyrantel pamoate suspension*, paragraph (a)(3)(ii), by removing the parenthetical phrase "(*Trichonema Triodontophorus*)".

Effective date: April 20, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 9, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82–10549 Filed 4–19–82; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203, 204, 220, 221, 222, 226, 227, 233, 235, 237, and 240

[Docket No. R–82–921]

Mutual Mortgage Insurance and Rehabilitation Loans; Negotiated Interest Rate

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

ACTION: Final rule.

SUMMARY: The Department hereby amends 25 CFR Part 203, Mutual Mortgage Insurance and Rehabilitation Loans, by adding a new §203.51, entitled "Negotiated Interest Rate," to implement the authority contained in section 332 of the Housing and Community Development Act of 1980 (Pub. L. 96–399), 12 U.S.C. 1709–1. This rule amends the authority of the Secretary to prescribe maximum interest rates for FHA programs by permitting a limited number of section 203 mortgages to be closed at a negotiated rate which may exceed the FHA ceiling. This rule also amends certain other Parts of 24 CFR Chapter II, Subchapter B to ensure that the new § 203.51 is not incorporated by reference into other programs.

EFFECTIVE DATE: Upon expiration of the 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: Dr. Arnold H. Diamond, Director, Office of Financial Management, Room 6186, 451 7th Street SW., Washington, D.C. 20410 (202/426–4325, this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The negotiated interest rate program authorized by the 1980 legislation permits the greater of 50,000 section 203(b) mortgages or 10 percent of mortgages insured under section 203 during the previous fiscal year to carry an interest rate exempt from the maximum FHA interest rate ceiling. Instead, the interest rate and the number of discount points are negotiable between the borrower and lender. However, the lender must enter into a binding agreement under which it makes a commitment for at least 30 days to close the loan at the agreed upon interest rate and any discount points to be charged. This 30-day minimum commitment period may be extended by agreement of the lender and borrower. A proposed rule for this negotiated interest rate program was published in the **Federal Register** for public comment on July 20, 1981 at 46 FR 37279. Interested parties were given until September 18, 1981 to submit comments on the proposed regulation. Fourteen written comments were received and analyzed during the process of drafting this final regulation. Various changes were made in response to these comments. A discussion of the key features of the regulation, including the principal changes, and of the most significant comments is set forth below.

1. Disclosure and Monitoring Requirements

The statute requires the lender to disclose to the borrower the current FHA interest rate ceiling and the prevailing number of discount points associated with the ceiling rate. The final rule includes a standard form for execution of the commitment agreement which also serves as the disclosure document.

Although the 1980 legislation treats the negotiated interest rate provisions as a permanent program, the statute prescribes that the Secretary of HUD "shall monitor experiences under this paragraph and report to Congress by March 1, 1982."

To facilitate the required monitoring by the Department of HUD, various statistics will be compiled from lenders and others regarding the negotiated interest rate program during its initial period of operation.

2. Starting Date to Measure Duration of Commitment

A key determination in the final rule is the starting date for measuring the duration of the lender's commitment to close a mortgage loan at the negotiated interest rate and discount points. The statute provides that the commitment shall extend for "at least 30 days" after the date on which the binding agreement has been entered into. Generally, as shown by the public comments, lenders

prefer the least possible time exposure to changing market rates, as opposed to committing themselves at the time of loan application. The proposed rule contained a trigger beginning the 30-day clock at the time of receipt by HUD of the lender's application for FHA firm commitment. At this stage, the property appraisal and the lender's review of the borrower's credit have been completed. Ordinarily, it should not be difficult to progress from this stage to closing within 30 days.

(a) 100 Percent FHA Insurance. After considering several alternatives, the Department concludes that this statutory requirement can best be met by: (a) Requiring that the Lender's commitment to make the loan be signed on or before the date on which the Lender files an application for an FHA firm commitment to insure the mortgage and extend for a period of at least 30 days from the date of receipt of the application and signed Lender's commitment by the HUD field office, and (b) requiring the Lender to close the loan within the term of the Lender's commitment.

Several commentators suggested alternative timing arrangements, but these were either at variance with the statutory requirement or prescribed a commitment period that was far greater than a lender could reasonably be asked to cover without a prohibitive commitment fee. One comment suggested that the market be allowed to determine the timing of the 30-day commitment period, rather than HUD's specifying a triggering event. This suggestion ignores the statutory language which refers to 30 days from the date on which the interest rate agreement is entered into. A corollary of this suggestion, likewise rejected in the final rule, is that HUD monitor the program simply by having the lender file a copy of its 30-day agreement with the package submitted for insurance endorsement.

Another commentor, concerned about processing from firm commitment to closing within 30 days, especially when repairs are involved, offered a two-part solution: (1) A mandate that HUD issue all firm commitments within two weeks of receipt of the lender's signed 30-day commitment and application, and (2) an obligation on the lender to honor its interest rate commitment even if closing is delayed through no fault of the borrower (assuming HUD's firm commitment was issued within two weeks). This suggestion is not adopted. Lenders concerned about HUD's processing time frames should consider doing their own processing under coinsurance pursuant to 24 CFR Part 204.

Other comments addressed the extended processing time required for new construction or substantial repairs. This rule makes no changes in regular section 203 procedures concerning new construction or repair conditions. To permit open-end renegotiation of the interest rate and discount terms would not comply with the statute. The final rule retains provision for voluntary extension of the lender's negotiated interest rate commitment beyond 30 days. This should be sufficient to accommodate completion of repair conditions specified in HUD commitments covering existing properties. In the case of new homes, builders might consider the alternative of delaying submission of firm commitment applications to HUD until construction completion is imminent in order to fit the 30-day negotiated interest rate commitment cycle. Applications for firm commitments could be made in sequence with completion of each new home. This procedure should also be considered in cases where delays in completion of repair conditions are anticipated.

Another suggestion which received serious consideration but is not adopted would begin the 30-day commitment period from the date at which the lender receives the borrower's application for a mortgage loan, and if necessary to cover processing time, extend the commitment period to 60 days from the date of application. A 60-day commitment period, although permissible under this rule, should not be mandated because it would expose lenders to undue risk of wide fluctuations in money market rates. Such increased risk exposure would either discourage participation in the program or result in higher lender commitment fees to compensate for risk.

(b) Coinsured Mortgages: In the case of a mortgage that is coinsured pursuant to section 244 of the National Housing Act the duration of the commitment is at least 30 days from the date on which the binding agreement is signed. For coinsured mortgages the binding agreement may not be signed by the Borrower or the Lender until the Lender signifies that it has completed its credit underwriting, property appraisal and other processing of the loan application. (Under 100 percent insurance all of these steps must be completed before the Lender submits its application to HUD for an FHA firm commitment.) This procedure responds to those commentors who questioned the feasibility of using the negotiated interest rate authority with coinsured loans which involve delegated processing.

3. Commitment Fee

The proposed rule prohibited the lender from charging a commitment fee as compensation for the risk it assumes in entering a binding agreement to make a loan on specified terms within 30 days from the date HUD receives the application for an FHA firm commitment. HUD invited comments regarding the possibility of permitting the lender to charge a commitment fee if it so chooses. HUD also invited comment on the desirability of placing a maximum ceiling, either in dollar or percentage terms, on a commitment fee, if permitted.

Of the 14 comments received, a majority proposed that a commitment fee be charged. Most of them proposed that there should not be a ceiling imposed.

The final rule permits the lender to charge a commitment fee as compensation for the risk it assumes in entering a binding agreement to close a loan on specified terms not later than 30 days from the date HUD receives the application for an FHA firm commitment (or from the date of the Agreement in the case of coinsured mortgages). There is no ceiling on the commitment fee. Instead, it is determined by negotiation between the Borrower and the Lender. The fee could be zero, if both parties so decide.

In the event a commitment fee is charged, it must be applied by the Lender to the closing costs payable by the Borrower when the loan is closed. If the loan is not closed under the terms of the Agreement, and the Lender is ready and willing to close the loan, the commitment fee may be retained by the Lender. However, if the loan cannot be closed because the property has been destroyed or good title to the property cannot be delivered or the mortgage is not eligible for FHA insurance or the Borrower does not meet FHA Mortgage Credit Standards, the Lender must refund the commitment fee to the Borrower. If the loan cannot be closed for other reasons because the Borrower no longer wants the loan to which the commitment relates or because the property seller (or the real estate broker) is unwilling to pay the discount points it had agreed to pay, the Lender may retain the commitment fee.

4. Discount Points

It is permissible for discount points negotiated between the Borrower and the Lender to be paid by the Borrower and by the Seller of the Property (and/or

the real estate broker). If the Seller of the property (or the real estate broker) agrees to pay discount points at the time of loan closing, this agreement should be stated in writing in the property sales contract. It is the responsibility of the Borrower to obtain such written agreement from the property Seller and/or real estate broker, since neither of the latter two are signatories to the binding Agreement through which the Lender enters into a commitment to make the mortgage loan.

5. No HUD Notification that Commitment Form Received

The Department of Housing and Urban Development does not intend to notify either the Lender or the Borrower regarding the date on which it receives the Lender's application for an FHA firm commitment. This date is recorded on the form when it is received by the HUD field office. The Lender or the Borrower may call the HUD field office (using the telephone number appearing on the form) in order to obtain the exact date when the field office received the application for an FHA firm commitment.

6. Prevailing Number of Points

The Lender is required to list on the commitment form its best judgment of the number of discount points lenders are currently quoting for commitments to close an FHA insured loan carrying the maximum FHA interest rate. In spite of one comment that the Lender should disclose only its own point charge, information on the general level of points in a locality is usually known by Lenders and can be disclosed without adverse effects. This judgment necessarily reflects the situation at the time the commitment form is prepared by the Lender. In a period of volatile interest rates, both the maximum FHA interest rate and the number of discount points quoted by lenders could change by the time the loan is actually closed. Although such changes do not affect the terms of the binding agreement set forth on the commitment form, both the Lender and the Borrower should be aware of this possibility.

On comment suggested that this disclosure include the true up-front cost of points to the borrower in cases of early mortgage prepayment. Although the point is a valid one, it raises an issue relevant to all mortgage loans involving discount charges and is beyond the scope of this rule.

7. Distribution of Commitment Form

HUD plans to allocate the first 10,000 copies of the commitment form among the ten HUD Regional Offices on the basis of 1,000 copies per office. They, in turn, will distribute the forms to the HUD field offices that process FHA insurance for single-family mortgage loans. These offices will distribute copies of the forms to lenders in response to specific requests. The remaining 40,000 copies will be distributed by HUD Headquarters through the Regional Offices to the HUD field offices processing single-family mortgage insurance on an as needed basis.

8. Eligibility for FHA Insurance

The commitment form that will be used to evidence the binding agreement by the lender to make the mortgage loan provides that the lender is not obliged to make the loan unless "The mortgage shall be eligible for FHA insurance under its negotiated interest rate program." This condition is intended to cover circumstances that are discovered during HUD processing of the application for an FHA firm commitment or subsequently until the loan has been closed. For example, if the borrower fails to meet FHA Mortgage Credit standards, the loan is not eligible for FHA insurance. In such a case, the Lender is not obligated to make the loan and the borrower's commitment fee must be returned by the Lender.

9. Statutory Constraints

Comments objected that HUD should not limit the program to a specific number of insured cases and should include in the program Graduated Payment Mortgages insured pursuant to section 245 of the National Housing Act. Neither change is possible without statutory revisions by Congress. The authorizing legislation specifically (1) limits negotiated rate volume in any fiscal year to the greater of 50,000 mortgages or 10 percent of section 203 mortgages insured in the preceding fiscal year, and (2) excludes mortgages which are subject to section 245. A perceived problem with the volume restriction is in assembling pools of mortgages with identical interest rates to back securities guaranteed by the Government National Mortgage Association (GNMA). It may be possible to comply with GNMA's requirement for common interest rates by originating a series of negotiated interest rate mortgages at the same rate, and if the market changes, adjusting the yield by issuing 30-day commitments at different levels of discounts. HUD will monitor closely the compatibility of this program with the GNMA Mortgage Backed Securities Program.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the proposed rule indicates that it does not (a) 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 Secretary has determined that good cause exists for making this rule effective immediately after publication due to the substantive nature of these provisions which grant relief from the interest rate ceiling applicable to most FHA-insured mortgages. For a specified limited number of FHA section 203 loan transactions, the authorizing legislation permits the mortgage lender and borrower to negotiate the loan interest and discount charges (if any), provided that the lender makes no changes in the agreed upon rate and discount for a 30-day commitment period. Generally, under current practice lenders give only an open-end commitment in which either the interest rate or discount may change prior to loan closing, if money market rates change and the Secretary adjusts the FHA interst rate ceiling.

Because this practice has created confusion and hardship at loan closing, Congress authorized an experiment in deregulating the FHA interest rate. Relieved from the restriction of an administered ceiling, lenders and borrowers may negotiate financing terms which are binding for 30 days from HUD's receipt of the application for FHA firm commitment. Normally, the loan can be closed within this period. The 30-day interest rate commitment offers a considerable benefit in the current environment of market uncertainty and interest rate volatility.

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 has requested such 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 a joint resolution of disapproval or other legislation which is intended to modify or invalidate the rule or regulation or any portion thereof, and the principle that such inaction does not imply congressional approval applies, *a fortiori*, to a waiver of the nature requested by the Secretary.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection and copying during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule was listed as item B.8. H-27-81 under the Office of Housing in the Department's Semiannual Agenda of Regulations published on August 17, 1981 (46 FR 41708) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

(Catalog of Federal Domestic Assistance program numbers are 14.117, 14.118, and 14.161)

Pursuant to section 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The information collection requirements contained in this regulation (Section 203.51), have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 2502-0215.

List of Subjects in 24 CFR Part 203

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

Accordingly, 24 CFR Chapter II, Subchapter B is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

1. Part 203 is amended by adding a new § 203.51 as follows:

§ 203.51 Negotiated interest rate.

Notwithstanding the interest rate limitation of § 203.20 a mortgage covering a single family dwelling to be occupied by the mortgagor and bearing an interest rate agreed upon by the mortgagee and the mortgagor shall be eligible for insurance if it meets the requirements of this subpart and the following additional requirements:

(a) The mortgagee and the mortgagor shall enter into a commitment agreement on a form approved by the Commissioner which shall:

(1) Specify the interest rate agreed upon, the number of discount points payable by the mortgagor and by the seller of the property (and/or the real estate broker) and a commitment fee, if any, payable by the mortgagor.

(2) Be binding on the mortgagee for at least thirty calendar days from the date on which the HUD field office receives a Lender's commitment signed by mortgagee and mortgagor and accompanied by an application for an FHA firm commitment (Form HUD 92900). The Lender's agreement may be extended by mutual agreement between the mortgagee and mortgagor.

(3) Specify the maximum interest rate prescribed in § 203.20 at the time of execution and a good faith estimate of the prevailing number of discount points associated with such rate. (Approved by the Office of Management and Budget under OMB control number 2502-0215).

(b) The number of mortgages insured under this section in any fiscal year shall not exceed the greater of 50,000 or 10 percent of all mortgages insured under Part 203 during the preceding fiscal year. The number of mortgages authorized under this section shall be allocated in accordance with such procedures as the Commissioner finds appropriate.

(c) Failure of a mortgagee to honor its commitment to close a loan pursuant to a commitment agreement entered into under this section shall be a ground for withdrawal of the mortgagee's approval as provided in Part 25 of this Title.

PART 204—COINSURANCE

2. Part 204 is amended by adding a new § 204.6 as follows:

§ 204.6 Negotiated interest rate.

The negotiated interest rate provision of § 203.51 shall be applicable to mortgages insured under section 203(b) pursuant to the coinsurance authority of this part except that the Lender's commitment shall be binding on the mortgage for at least thirty calendar days from the date the Lender's commitment is signed.

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

PART 222—SERVICEMEN'S MORTGAGE INSURANCE

PART 226—ARMED SERVICES HOUSING—MILITARY PERSONNEL (SEC. 803)

PART 227—ARMED SERVICES HOUSING—IMPACTED AREAS (SEC. 810)

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

PART 240—MORTGAGE INSURANCE ON LOANS FOR FEE TITLE PURCHASE

§§ 220.1, 221.1, 222.1, 226.1, 227.501, 235.1 and 240.1 [Amended]

3. Sections 220.1(a), 221.1(a), 222.1(a), 226.1(a), 227.501(b), 235.1(a), and 240.1 are amended by adding to the list of sections therein contained, respectively, the following:

§ 203.51 Negotiated interest rate.

PART 233—EXPERIMENTAL HOUSING MORTGAGE INSURANCE

4. Section 233.5 is amended by adding paragraph (a)(5) as follows:

§ 233.5 Cross-reference.

(a) * * *

(5) The negotiated interest rate program described in § 203.51 shall not be applicable.

* * * * *

PART 237—SPECIAL MORTGAGE INSURANCE FOR LOW AND MODERATE INCOME FAMILIES

5. Section 237.5 is revised as follows:

§ 237.5 Cross-reference.

To be eligible for insurance under this subpart, a mortgage shall meet all of the eligibility requirements for insurance under §§ 203.1 et seq., except § 203.51, (Part 203, Subpart A) of this chapter; §§ 220.1 et seq. (Part 220, Subpart A) of this chapter; §§ 221.1 et seq. (Part 221, Subpart A) of this chapter; or §§ 234.1 et seq. (Part 234, Subpart A) of this chapter, except that the mortgage shall comply with the special requirements of this subpart.

(Sec. 332, Housing and Community Development Act of 1980 (12 U.S.C. 1709-1);

sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))

Dated: March 26, 1982.

Philip Abrams,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 82-10685 Filed 4-19-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 892

Part-Time Career Employment Program; Military Leave

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Amendment to final rule.

SUMMARY: The Department of the Air Force is amending its Part-Time Career Employment Program regulations. This amendment is made in order that permanent part-time employees may be granted military leave, and explains how to determine the rate of accrual of such leave. This revision reflects the amendment in Pub. L. 96-341 (5 U.S.C. 6323(a)) Oct. 1, 1980, pertaining to military leave for civilian employees.

EFFECTIVE DATE: May 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mrs. Winnibel F. Holmes, phone (202) 697-1861.

SUPPLEMENTARY INFORMATION:

PART 892—PART-TIME CAREER EMPLOYMENT PROGRAM

Accordingly, Title 32, Chapter VII, Subchapter J, Part 892, § 892.8(h), published in the **Federal Register** of March 31, 1982 (47 FR 13523), is revised to read as follows:

§ 892.8 Fringe benefits.

* * * * *

(h) *Military Leave.* Permanent part-time employees are granted military leave on a pro-rated basis. The rate of accrual is determined as a percentage of 15 days by dividing 40 into the number of hours in the regularly scheduled workweek during that fiscal year.

List of Subject in 32 CFR Part 892

Government employees.

* * * * *

(5 U.S.C. 3401)

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-10621 Filed 4-19-82; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

34 CFR Part 4

Service of Process

AGENCY: Education Department.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations to change the designation of one of the officials who may receive service of process on his behalf. This amendment would continue to designate the General Counsel as one of those officials, but provides that process may also be served on *a Deputy General Counsel* instead of the secretary to the General Counsel as provided in the current regulations.

EFFECTIVE DATE: These regulations become effective on April 20, 1982.

FOR FURTHER INFORMATION CONTACT: Rhea S. Schwartz, Department of Education, 400 Maryland Avenue SW. (Room 4115), Washington, D.C. 20202, Telephone (202) 755-1106.

SUPPLEMENTARY INFORMATION: The existing regulations governing service of process were published in the **Federal Register** on May 9, 1980 (45 FR 30803). Because the Secretary believes that service of process should be made on a responsible senior official of the Department, he has designated for that purpose the General Counsel or a Deputy General Counsel, rather than the secretary to the General Counsel as provided in the existing regulations.

Citation of Legal Authority

A citation of statutory authority is placed in parentheses on the line following these final regulations.

(Catalog of Federal Domestic Assistance number does not apply)

Dated: April 12, 1982.

Daniel Oliver,

Acting Secretary of Education.

The Secretary revises Part 4 of Title 34 of the Code of Federal Regulations to read as follows:

PART 4—SERVICE OF PROCESS

§ 4.1 Service of process required to be served on or delivered to Secretary.

Summons, complaints, subpoenas, and other process which are required to be served on or delivered to the Secretary of Education shall be delivered to the General Counsel or a Deputy General Counsel, by mail at 400 Maryland Avenue SW., Washington, D.C. 20202 or by personal service at that address. The persons above designated are authorized to accept service of such process.

(5 U.S.C. 301)

[FR Doc. 82-10692 Filed 4-19-82; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 17

[OLCE-FRL 2043-4]

Implementation of the Equal Access To Justice Act in Environmental Protection Agency Administrative Proceedings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim rule with request for public comment.

SUMMARY: EPA is publishing for public comment interim regulations to implement the Equal Access to Justice Act. This Act provides that in certain Federal agency adversary adjudications pending between October 1, 1981 and September 30, 1984, the agency that conducts the proceeding shall award attorney's fees and other expenses to qualified parties who prevail against the agency, unless (1) the position of the agency as a party to the proceeding was substantially justified, or (2) special circumstances make an award unjust, or (3) the prevailing party engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy. These interim regulations, which are added to 40 CFR as a new Part 17, establish procedures for the submission and consideration of applications for award.

DATES: These regulations are being published as interim regulations effective April 20, 1982 in order that guidance will be available at this time to potential applicants for awards under the Act. Written comments received on or before May 20, 1982, will be considered in the promulgation of the final regulations.

ADDRESSES: Comments may be mailed to James Clark, Office of General

Counsel (A–133), EPA, 401 M Street, SW., Washington, D.C. 20460 or delivered to Room 525 W, between the hours of 8:00 a.m. and 5:30 p.m.

FOR FURTHER INFORMATION CONTACT: James Clark, Office of General Counsel (A–133), EPA, 401 M Street, SW., Washington, D.C. 20460; Telephone (202) 755–0796.

SUPPLEMENTARY INFORMATION: Under Section 203 of the Equal Access to Justice Act, each affected agency must establish by rule uniform procedures for the submission and consideration of applications for an award of fees and other expenses. The procedures established in this regulation apply only when EPA conducts "adversary adjudications" required by statute to be held pursuant to 5 U.S.C. 554. This regulation does not apply to hearings which EPA holds voluntarily, without statutory obligation. The proceedings which the Agency generally considers to be "adversary adjudications" covered by the Act are listed in § 17.03 of this rule. Note that this list may not be exhaustive and that the rule applies to the proceedings listed only to the extent that those proceedings are "adversary adjudications" under the Act. Comments are specifically requested on whether other EPA proceedings are "adversary adjudications" which should be listed on Section 17.03. Note also that proceedings concerning granting or renewing a license are not considered to be "adversary adjudications" under the Act.

These rules apply only when there has been no judicial review of the underlying decision. When the underlying decision is reviewed by a Court, the award of attorney's fees and expenses will be made by the Court as provided in 28 U.S.C. 2412.

These interim rules generally follow the model rules issued by the Administrative Conference of the United States on June 25, 1981 (46 FR 32900).

These interim rules are divided into three subparts. The general provisions (Subpart A) set out the purpose of the rules, define terms used, proceedings covered, applicability to EPA proceedings, eligibility of applicants, standards for awards, and allowable fees and expenses. Subpart B of the interim regulations sets out the information required as part of an application for award. Note that § 17.11(f) states that the application must be signed both by the applicant with respect to eligibility and by the attorney of the applicant with respect to fees and expenses sought.

The last subpart sets out the procedures for consideration of applications, review of decisions on fee applications, and payment of awards. We agree as a matter of policy with the Administrative Conference of the United States that there should be administrative review of the fee determination recommended by the Presiding Officer. There is a serious question surrounding the permissible scope of that review under the law as presently written. The language of these interim regulations calls for review to the extent permitted by law.

This interim rule does not constitute a "major" rule as defined by Executive Order 12291 because it will not result in: (a) An effect on the economy of $100 million or more, (b) a major increase in any costs or prices, or (c) an adverse effect on competition, employment, investment, productivity, or innovation among American businesses. This interim rule has been reviewed by the Office of Management and Budget (OMB) under Executive Order 12291.

The information collection requirements contained in this rule are subject to clearance under the Paperwork Reduction Act of 1980 and have been submitted to OMB for clearance before they take effect. Under the rule, certain individuals, small businesses, and other small entities may apply for attorneys' fees and expenses when they prevail over EPA in EPA adversary adjudications. The application for fees and expenses must document expenses and fees claimed and include information showing that the applicant is an eligible party, *e.g.*, the net worth of the applicant, and the number of employees.

This interim regulation *will not* have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (Pub. L. 96–354). This regulation will not impose any additional cost on any sector of the economy other than the Federal Government.

Because these rules are related solely to matters of agency procedure and are designed to provide guidance to potential applicants under the Act which is already in effect, good cause exits to make these rules effective April 20, 1982.

List of Subjects in 40 CFR Part 17

Equal access to justice, Claims.

EPA amends title 40 of the Code of Federal Regulations by adding a new Part 17 as set forth below.

(Sec. 203(a)(1), Pub. L. 96–481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)))

Dated: April 9, 1982.

Anne M. Gorsuch,

Administrator.

PART 17—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN EPA ADMINISTRATIVE PROCEEDINGS

Subpart A—General Provisions

Subpart B—Information Required From Applicants

Subpart C—Procedures for Considering Applications

Authority: Sec. 504 of Title 5, United States Code, as amended by sec. 203(a)(1) of the Equal Access to Justice Act (Title 2 of Pub. L. 96–481, 94 Stat. 2323).

Subpart A—General Provisions

§ 17.01 Purpose of these rules.

These rules are adopted by EPA pursuant to section 504 of title 5 United States Code, as added by section 203(a)(1) of the Equal Access to Justice Act, Pub. L. No. 96–481 ("the Act"). Under the Act, an eligible party may receive an award for attorney's fees and other expenses when it prevails over EPA in an adversary adjudication before EPA unless EPA's position as a party to the proceeding was substantially justified or special circumstances make an award unjust. The purpose of these interim rules is to establish procedures for the submission and consideration of applications for awards against EPA when the underlying decision is not reviewed by a court.

§ 17.02 Definitions.

As used in this Part:

(a) "The Act" means section 504 of title 5, United States Code, as amended by section 203(a)(1) of the Equal Access to Justice Act, Pub. L. No. 96–481.

(b) "Adversary adjudication" means an adjudication required by statute to be held pursuant to 5 U.S.C. 554 in which the position of the United States is represented by counsel or otherwise, but excludes an adjudication for the purpose of granting or renewing a license.

(c) "Presiding officer" means the official, without regard to whether he is designated as an administrative law judge or a hearing officer or examiner, who presides at the adversary adjudication.

(d) "Proceeding" means an adversary adjudication as defined in paragraph (b) of this section.

§ 17.03 Proceedings covered.

(a) These rules apply to adversary adjudications required by statute to be conducted by EPA under 5 U.S.C. 554. To the extent that they are adversary adjudications, the proceedings conducted by EPA to which these rules apply include:

(1) A hearing to consider the assessment of a noncompliance penalty under section 120 of the Clean Air Act as amended (42 U.S.C. 7420);

(2) A hearing to consider the termination of an individual National Pollution Discharge Elimination System permit under Section 402 of the Clean Water Act as amended (33 U.S.C. 1342);

(3) A hearing to consider the assessment of any civil penalty under section 16(a) of the Toxic Substances Control Act (15 U.S.C. 2615(a));

(4) A hearing to consider ordering a manufacturer of hazardous chemical substances or mixtures to take actions under section 6(b) of the Toxic Substances Control Act, (15 U.S.C. 2605(b)) to decrease the unreasonable risk posed by a chemical substance or mixture;

(5) A hearing to consider the assessment of any civil penalty under section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (7 U.S.C. 1361);

(6) A hearing to consider suspension of a registrant for failure to take appropriate steps in the development of registration data under Section 3(c)(2)(B) of the Federal Insecticide, Fungicide and Rodenticide Act as amended (7 U.S.C. 136a);

(7) A hearing to consider the cancellation of a registration under Section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (7 U.S.C. 136(d));

(8) A hearing to consider the assessment of any civil penalty or the revocation or suspension of any permit under section 105(a) or 105(f) of the Marine Protection, Research, and Sanctuaries Act as amended (33 U.S.C. 1415(a), 33 U.S.C. 1415(f));

(9) A hearing to consider the issuance of a compliance order or the assessment of any civil penalty conducted under Section 3008 of the Resource Conservation and Recovery Act as amended (42 U.S.C. 6928);

(10) A hearing to consider the issuance of a compliance order under Section 11(d) of the Noise Control Act as amended (42 U.S.C. 4910(d)).

(b) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 17.04 Applicability to EPA proceedings.

The Act applies to an adversary adjudication pending before EPA at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981 if final EPA action has not been taken before that date, and proceedings pending on September 30, 1984.

§ 17.05 Eligibility of applicants.

(a) To be eligible for an award of attorney's fees and other expenses under the Act, the applicant must be a prevailing party in the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart and in subpart b.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 114j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the adversary adjudication was initiated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interest.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant under the applicant's direction and control. Part-time employees shall be included.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. An individual or group of individuals, corporation, or other entity that directly or indirectly controls or owns a majority of the voting shares of another business's board of directors, trustees, or other persons exercising similar functions, shall be considered an affiliate of that business for purposes of this Part. In addition, the Presiding Officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant is not eligible if it has participated in the proceeding on behalf of other persons or entities that are ineligible.

§ 17.06 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding unless the position of the EPA as a party to the proceeding was substantially justified or unless special circumstances make the award sought unjust. The fact that EPA did not prevail does not demonstrate that the agency's position was not substantially justified.

(b) An award shall be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding.

§ 17.07 Allowable fees and other expenses.

(a) The following fees and other expenses are allowable under the Act:

(1) Reasonable expenses of expert witnesses;

(2) The reasonable cost of any study, analysis, engineering report, test, or project which EPA finds necessary for the preparation of the party's case;

(3) Reasonable attorney or agent fees;

(b) The amount of fees awarded will be based upon the prevailing market rates for the kind and quality of services furnished, except that:

(1) Compensation for an expert witness will not exceed $24.09 per hour; and

(2) Attorney or agent fees will not be in excess of $75 per hour.

(c) In determining the reasonableness of the fee sought, the Presiding Officer shall consider the following:

(1) The prevailing rate for similar services in the community in which the attorney, agent, or witness ordinarily performs services;

(2) The time actually spent in the representation of the applicant;

(3) The difficulty or complexity of the issues raised by the application;

(4) Any necessary and reasonable expenses incurred;

(5) Such other factors as may bear on the value of the services performed.

§ 17.08 Delegation of authority.

The Administrator delegates to his Judicial Officer authority to take final action relating to the Equal Access to Justice Act. Nothing in this delegation shall preclude the Judicial Officer from referring any matter related to the Equal Access to Justice Act to the Administrator when the Judicial Officer determines the referral to be appropriate.

Subpart B—Information Required From Applicants

§ 17.11 Contents of application.

(a) An application for award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of EPA in the proceeding that the applicant alleges was not substantially justified.

(b) The application shall include a statement that the applicant's net worth as of the time the proceeding was initiated did not exceed $1 million if the applicant is an individual (other than a sole owner of an unincorporated business seeking an award in that capacity) or $5 million in the case of all other applicants. An applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and is exempt from taxation under section 501(a) of the Code or, in the case of such an organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under section 501(c)(3) of the Code; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 114j(a)).

(c) If the applicant is a partnership, corporation, association, or organization, or a sole owner of an unincorporated business, the application shall state that the applicant did not have more than 500 employees at the time the proceeding was initiated, giving the number of its employees and describing briefly the type and purpose of its organization or business.

(d) The application shall itemize the amount of fees and expenses sought.

(e) The application may include any other matters that the applicant believes should be considered in determining whether and in what amount an award should be made.

(f) The application shall be signed by the applicant with respect to the eligibility of the applicant and by the attorney of the applicant with respect to fees and expenses sought. The application shall contain or be accompanied by a written verification under oath or affirmation or under penalty of perjury that the information provided in the application and all accompanying material is true and complete to the best of the signer's information and belief.

§ 17.12 Net worth exhibit.

(a) Each applicant except a qualified tax exempt organization or a qualified cooperative must submit with its application a detailed exhibit showing its net worth at the time the proceeding was initiated. If any individual, corporation, or other entity directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or if the applicant directly or indirectly owns or controls a majority of the voting shares or other interest of any corporation or other entity, the exhibit must include a showing of the net worth of all such affiliates or of the applicant including the affiliates. The exhibit may be in any form that provides full disclosure of assets and liabilities of the applicant and any affiliates and is sufficient to determine whether the applicant qualifies under the standards of 5 U.S.C. 504(b)(1)(B)(i). The Presiding Officer may require an applicant to file additional information to determine the applicant's eligibility for an award.

(b) The net worth exhibit shall describe any transfers of assets from, or obligations incurred by, the applicant or any affiliate occurring in the one-year period prior to the date on which the proceeding was initiated that reduced the net worth of the applicant and its affiliates below the applicable net worth ceiling. If there were no such transactions, the applicant shall so state.

(c) The net worth exhibit shall be included in the public record of the proceeding.

§ 17.13 Documentation of fees and expenses.

(a) The application shall be accompanied by full documentation of fees and expenses, including the cost of any study, engineering report, test, or project, for which an award is sought.

(b) The documentation shall include an affidavit from any attorney, agent, or expert witness representing or appearing in behalf of the party stating the actual time expended and the rate at which fees and other expenses were computed and describing the specific services performed.

(1) The affidavit shall itemize in detail the services performed by the date, number of hours per date, and the services performed during those hours. In order to establish the hourly rate, the affidavit shall state the hourly rate which is billed and paid by the majority of clients during the relevant time periods.

(2) If no hourly rate is paid by the majority of clients because, for instance, the attorney or agent represents most clients on a contingency basis, the attorney or agent shall provide affidavits from two attorneys or agents with similar experience who perform similar work, stating the hourly rate which they bill and are paid by the majority of their clients during a comparable time period.

(c) The documentation shall also include a description of any expenses for which reimbursement is sought and a statement of the amounts paid and payable by the applicant or by any other person or entity for the services provided.

(d) The Presiding Officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 17.14 Time for submission of application.

(a) An application must be filed no later than 30 days after final disposition of the proceeding. If agency review or reconsideration is sought or taken of a decision in which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final agency disposition of the underlying controversy.

(b) Final disposition means the latter of (1) the date on which the agency decision becomes final, either through disposition by the Administrator or

Judicial Officer of a pending appeal or through an initial decision becoming final due to lack of an appeal or (2) the date of final resolution of the proceeding, such as settlement or voluntary dismissal, which is not subject to a petition for rehearing or reconsideration.

(c) If judicial review is sought or taken of the final agency disposition of the underlying controversy, then agency proceedings for the award of fees will be stayed pending completion of judicial review. If, upon completion of review, the court decides what fees to award, if any, then EPA shall have no authority to award fees.

Subpart C—Procedures for Considering Applications

§ 17.21 Filing and service of documents.

An application for an award and any other pleading or document related to the application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding.

§ 17.22 Answer to application.

(a) Within 30 calendar days after service of the application, EPA counsel shall file an answer.

(b) If EPA counsel and the applicant believe that they can reach a settlement concerning the award, EPA counsel may file a statement of intent to negotiate. The filing of such a statement shall extend the time for filing an answer an additional 30 days.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on to support the objection. If the answer is based on any alleged facts not already reflected in the record of the proceeding, EPA counsel shall include with the answer either a supporting affidavit or affidavits or request for further proceedings under § 17.25.

§ 17.23 Comments by other parties.

Any party to a proceeding other than the applicant and EPA counsel may file comments on an application within 30 calendar days after it is served or on an answer within 15 calendar days after it is served.

§ 17.24 Settlement.

A prevailing party and EPA counsel may agree on a proposed settlement of an award before final action on the application, either in connection with a settlement of the underlying proceeding or after the underlying proceeding has been concluded. If the party and EPA counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 17.25 Extensions of time and further proceedings.

(a) The Presiding Officer may, on motion and for good cause shown, grant extensions of time, other than for filing an application for fees and expenses, after final disposition in the adversary adjudication.

(b) The determination of an award will be made on the basis of the written record of the underlying proceeding and the filings required or permitted by the foregoing sections of these rules. However, further proceedings may be held when necessary for full and fair resolution of the issues arising from the application; any such proceeding shall be conducted as promptly as possible. A motion for further proceedings shall specifically identify the information sought or the disputed issues and shall explain why the further proceedings are necessary to resolve the issues.

§ 17.26 Decision on application.

The Presiding Officer shall issue a recommended decision on the application which shall include proposed written findings and conclusions on such of the following as are relevant to the decision: (a) The applicant's status as a prevailing party; (b) the applicant's qualification as a "party" under 5 U.S.C. 504(b)(1)(B); (c) whether EPA's position as a party to the proceeding was substantially justified; (d) whether the special circumstances make an award unjust; (e) whether the applicant during the course of the proceedings engaged in conduct that unduly and unreasonably protracted the final resolution of the matter in controversy; and (f) the amounts, if any, awarded for fees and other expenses, explaining any difference between the amount requested and the amount awarded.

§ 17.27 Agency review.

The recommended decision of the Presiding Officer will be reviewed by EPA in accordance with EPA's procedures for the type of substantive proceeding involved.

§ 17.28 Judicial review.

Judicial review of final EPA decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 17.29 Payment of award.

An applicant seeking payment of an award shall submit a copy of the final decision granting the award to the Office of Financial Management for processing. A statement that review of the underlying decision is not being sought in the United States courts or that the process for seeking review of the award has been completed must also be included.

[FR Doc. 82-10641 Filed 4-19-82; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 52

[A-5-FRL 1969-6]

Approval and Promulgation of Implementation Plans; Ohio Sulfur Dioxide Control Strategy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under provisions of the Clean Air Act, the Environmental Protection Agency is approving additional portions of the Sulfur Dioxide (SO_2) control plan for inclusion in the Ohio State Implementation Plan. The control plan was initially submitted to EPA on September 12, 1979 with additional supplemental support materials being submitted on several different occasions. After reviewing that data and the comments, EPA approves the emission limitations for Greene, Sandusky (in part), Trumbull, Vinton, Hamilton (in part), Lake (in part), and Montgomery (in part) counties.

EFFECTIVE DATE: May 20, 1982.

ADDRESSES: Copies of the Docket #5A-08-3 are on file for copying and inspection during normal business hours at the following addresses. (It is recommended that you telephone the contact person given below before visiting the Region V office).

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, 11th Floor, Chicago, Illinois 60604;

Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, D.C. 20460.

Copies of the Ohio Administrative Code (OAC) Rules for this SIP revision are available for inspection in the Docket #5A-80-3 cited above and at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Regulatory Analysis Section, Air Programs Branch, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604; (312) 886-6088.

SUPPLEMENTARY INFORMATION: This notice discusses EPA's review of this portion of the Ohio SO_2 SIP in four parts:

Introduction, Control Strategy Demonstration, Public Comments and Final Determination.

I. Introduction

On September 12, 1979 the Governor of Ohio submitted a Sulfur Dioxide (SO_2) Control Plan to the United States Environmental Protection Agency (EPA) for inclusion in the State Implementation Plan (SIP) for Ohio. Supplemental technical support materials were submitted by the Director of the Ohio Environmental Protection Agency (OEPA) on October 23, 1979; January 10, 1980; January 28, 1980; May 16, 1980 and March 30, 1981.

On February 12, 1980, the Director of the OEPA submitted the Ohio Administrative Code (OAC) rules 3745–18–01 to 3745–18–94, in final form, as adopted by the Order of November 14, 1979, effective in Ohio December 28, 1979. OEPA requested that the Sulfur Dioxide Control Plan be substituted for the existing Federal control strategy and regulations for sulfur dioxide. The SO_2 plan was submitted pursuant to the requirements specified in section 110 of the Clean Air Act and 40 CFR Part 51.

On February 25, 1980 (45 FR 12266), EPA proposed: (a) To approve those portions of the Ohio submittal for which there is an enforceable control strategy that assures the attainment and maintenance of the National Ambient Air Quality Standards for sulfur dioxide; (b) to approve other portions of the submittal only if the State of Ohio provided specified technical support and documentation during the public comment period; and (c) to disapprove those portions of the submittal for which there are deficiencies in the methodology or inadequate technical justification.

On January 27, 1981 (46 FR 8481) EPA took final rulemaking action to approve and disapprove specific portions of the SO_2 control plan for the State of Ohio. Additionally, on January 27, 1981 (46 FR 8575), EPA also reproposed rulemaking to approve and disapprove other portions of the SO_2 plan. At the time of the January 27, 1981 reproposal, a 30-day public comment period was provided. On February 26, 1981 (46 FR 14135), the public comment period was extended to March 30, 1981.

Background information regarding the history of the Ohio SO_2 plan is discussed in the January 27, 1981 notice of proposed rulemaking (46 FR 8575).

Today EPA takes final action to approve the sulfur dioxide emission limits for the following counties: Greene County, Sandusky County, (all except Martin Marietta Chemicals), Trumbull County, Vinton County, Hamilton County (Cincinnati Gas and Electric-Miami Fort, Monsanto, Gulf Oil and Chevron Asphalt), Lake County (all except Ohio Rubber, Cleveland Electric Illuminating-Eastlake, and Painesville Municipal Boiler #5), and Montgomery County (all except Miami Paper, Dayton Power and Light Tait and Hutchings, and Bergstrom Paper).

II. Control Strategy Demonstration

OEPA has submitted a comprehensive control strategy and regulations to protect the primary and secondary standards for sulfur dioxide in the State of Ohio. Individual emission limitations are specified for most of the sulfur dioxide sources in the State on a county-by-county basis, although some smaller sources are required to comply with a process compliance equation or a county-specific fuel burning regulation. Further discussion of the control strategy demonstration can be found in the February 25, 1980 **Federal Register** (45 FR 12266) and in the final Rationale Documents contained in docket 5A–80–3.

OEPA generally used the same models that EPA used in developing the Federal control strategy for sulfur dioxide in Ohio, although the application of the models occasionally differed. OEPA utilized 1964 meteorological data and a 1974 emissions inventory.

III. Public Comments

Only the issues raised during the two public comment periods which are relevant to this rulemaking action are discussed below. All other issues raised during the public comment periods either were discussed in previous notices or will be discussed in subsequent final rulemaking actions to which they pertain.

Only three commentors submitted comments applicable to the counties or portions thereof which EPA is today approving. These comments are each discussed below.

Comment: One commentor in response to the February 25, 1980 notice of proposed rulemaking claimed that the area sources in Hamilton County are not important to the rulemaking and should not be an issue in the Agency's approval of the County's emission limitations.

Response: As discussed in the January 27, 1981 reproposal, during the initial public comment period OEPA identified the area source inventories in Hamilton County. Since OEPA's submittal corrected this particular deficiency, this is no longer an issue.

Comment: The States of New Jersey and New York submitted comments objecting to any relaxation of the federal SO_2 SIP because of the possible aggravation of the acid deposition problem. Both commentors singled out the emission limitations for the Cincinnati Gas & Electric Company—Miami Fort plant, Hamilton County in the OEPA SO_2 SIP.

Response: The Ohio EPA SIP results in a reduction in allowable emissions from the Cincinnati Gas & Electric Company—Miami Fort plant of approximately 21,900 tons per year more than provided by the existing federal SO_2 SIP. Since this revision represents an improvement in air quality, it could not possibly increase any acid deposition problem.

On June 18 and June 19, 1981, EPA held hearings in response to section 126 petitions received from the State of New York and the Commonwealth of Pennsylvania regarding the long-range transport of SO_2 emissions. EPA is currently reviewing all the testimony and evidence presented at the hearings and submitted during the comment period. After completion of this review, EPA will publish a notice of its findings in the **Federal Register**.

IV. Final Determination

Based on EPA's review of the technical support data and the public comments received, EPA has determined that approval of the State of Ohio's emission limitations for the counties listed below will not jeopardize the attainment and maintenance of the National Ambient Air Quality Standards for sulfur dioxide. Therefore, EPA today takes final action to approve the State of Ohio's emission limitations for the following counties: Greene County, Sandusky County (except Martin Marietta Chemicals), Trumbull County, Vinton County, Hamilton County (only Cincinnati Gas & Electric—Miami Fort, Monsanto, Gulf Oil, and Chevron Asphalt), Lake County (except Ohio Rubber, Cleveland Electric Illuminating Company—Eastlake, and Painesville Municipal Boiler #5), and Montgomery County (except Miami Paper, Dayton Power and Light, Hutchings and Tait, and Bergstrom Paper).

The regulations promulgated today will be in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations for each source will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations; or if it chooses, challenging the new regulations. In some instances, the present emission control regulations contained in the federally approved SIP are different from the regulations

currently being enforced by the State. In these situations, the present federally approved SIP will remain applicable and enforceable until the source is in compliance with the newly promulgated and federally approved regulations. Failure of a source to meet applicable pre-existing regulations will result in enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. Today's action does not constitute a major regulation since it merely approves regulations adopted by the State and is not imposing any new requirements. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action merely approves state actions. Therefore, this action imposes no new requirements for the sources in Ohio.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

List of Subjects in 40 CFR Part 52

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

(Sec. 110 of the Clean Air Act as amended 42 U.S.C. 7410)

Dated: April 9, 1982

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart KK—Ohio

1. Section 52.1881 is amended by revising paragraphs (a)(4) and (8) to read as follows:

§ 52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

(a) * * *

(4) Approval—USEPA approves the sulfur dioxide emission limits for the following counties: Adams County (except Dayton Power & Light—Stuart), Allen County (except Cairo Chemical), Ashland County, Ashtabula County, Athens County (except Columbus & Southern Ohio Electric—Poston), Auglaize County, Belmont County, Brown County, Carroll County, Champaign County, Clark County, Clermont County, (except Cincinnati Gas & Electric—Beckjord), Clinton County, Columbiana County, Coshocton County (except Columbus & Southern Ohio Electric—Conesville), Crawford County, Darke County, Defiance County, Delaware County, Erie County, Fairfield County, Fayette County, Fulton County, Gallia County, (except Ohio Valley Electric Company—Kyger Creek and Ohio Power—Gavin), Geauga County, Greene County, Guernsey County, Hamilton County (except Du Pont—Fort Hill), Hancock County, Hardin County, Harrison County, Henry County, Highland County, Hocking County, Holmes County, Huron County, Jackson County, Jefferson County, Knox County, Lake County (except Ohio Rubber, Cleveland Electric Illuminating Company—Eastlake, and Painesville Municipal Boiler #5), Lawrence County (except Allied Chemical—South Point), Licking County, Logan County, Lorain County (except Ohio Edison—Edgewater, Cleveland Electric Illuminating—Avon Lake, U.S. Steel—Lorain, and B.F. Goodrich), Madison County, Marion County, Medina County, Meigs County, Mercer County, Miami County, Monroe County, Morgan County (except Ohio Power—Muskingum River), Montgomery County (except Dayton Power & Light—Tait, Dayton Power & Light—Hutchings, Miami Paper, and Bergstrom Paper), Morrow County, Muskingum County, Noble County, Ottawa County, Paulding County, Perry County, Pickaway County, Portage County, Preble County, Putnam County, Richland County, Ross County (except Mead Corporation), Sandusky County (except Martin Marietta Chemicals), Scioto County, Seneca County, Shelby County, Trumbull County, Tuscarawas County, Union County, Van Wert County, Vinton County, Warren County, Washington County (except Shell Chemical and Ohio Power—Muskingum River), Wayne County (except Orrville Municipal Power Plant), Williams County, Wood County (except Libbey-Owens-Ford Plants Nos. 4 and 8 and No. 6), and Wyandot County.

* * * * *

(8) No action—USEPA is neither approving nor disapproving the emission limitations for the following counties or sources pending further review: Adams County (Dayton Power & Light—Stuart), Allen County (Cairo Chemical), Athens County (Columbus & Southern Ohio Electric—Poston), Butler County, Clermont County (Cincinnati Gas & Electric—Beckjord), Coshocton County (Columbus & Southern Ohio Electric—Conesville), Cuyahoga County, Franklin County, Gallia County (Ohio Valley Electric Company—Kyger Creek, and Ohio Power—Gavin), Hamilton County (Du Pont—Fort Hill), Lake County (Ohio Rubber, Cleveland Electric Illuminating Company—Eastlake, and Painesville Municipal—Boiler #5), Lawrence County (Allied Chemical—South Point), Lorain County (Ohio Edison—Edgewater Plant, Cleveland Electric Illuminating Avon Lake, U.S. Steel—Lorain, and B.F. Goodrich) Lucas County, Mahoning County, Montgomery County (Dayton Power & Light—Tait, Dayton Power & Light—Hutchings, Miami Paper, and Bergstrom Paper), Morgan County (Ohio Power—Muskingum River), Pike County, Ross County (Mead Corporation), Sandusky County (Martin Marietta Chemicals), Stark County, Washington County (Shell Chemical Company and Ohio Power—Muskingum River), Wayne County (Orrville Municipal Power Plant), and Wood County (Libbey-Owens-Ford Plants Nos. 4 and 8 and No. 6).

[FR Doc. 82-10640 Filed 4-19-82; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 22, 73, 74

[Gen. Docket No. 81-460; RM-2364; FCC 82-147]

Reallocation of UHF-TV. Broadcast Channel 17 for Common Carrier Fixed Relay and Control Operations in State of Hawaii

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: RadioCall, Inc., a common carrier operating in Hawaii, asked the FCC to make UHF-TV Channel 17 frequencies (488–494 MHz) available for

control and repeater operations in that State. Petitioner pointed out that Channel 17 was not "assigned" in Hawaii and was therefore unlikely to be used there by the broadcast services. The Commission previously had denied RadioCall's request, but RadioCall filed new information with the Commission and asked that its petition be reconsidered. The FCC proposed to reallocate Channel 17 as requested in a Notice of Proposed Rule Making adopted July 16, and released July 31, 1981. In this Report and Order, the FCC is adopting changes to its rules which are required to make this frequency band available to radio common carriers operating in Hawaii. With this action, Hawaiian Radio Common Carriers gain access to frequencies which they can use to link inter-island paging and portable telephone signals.

EFFECTIVE DATE: May 20, 1982.

FOR FURTHER INFORMATION CONTACT: Maureen Cesaitis—(202) 653-8164.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 2

Hawaii, Frequency allocations, Radio, TV.

List of Subjects in 47 CFR Part 22

Hawaii, Radio, Control and repeater operations, TV.

List of Subjects in 47 CFR Part 73

Hawaii, Radio, TV.

List of Subjects in 47 CFR Part 74

Hawaii, Radio, TV.

In the matter of amendment of Parts 2 of the Commission's rules governing frequency allocations, 22 of the Commission's rules governing the Public Mobile Radio Services, 73 of the Commission's rules governing the Radio Broadcast Services, and 74 of the Commission's rules governing Experimental, Auxiliary, and Special Broadcast, and Other Program Distribution Services to reallocate UHF-TV Broadcast Channel 17 for common carrier fixed relay and control operations in the State of Hawaii, Gen. Docket No. 81-460, RM-2364.

Report and Order

Adopted: April 1, 1982.

Released: April 14, 1982.

Summary

1. On May 19, 1980, RadioCall, Inc. (RadioCall) petitioned the Commission to reconsider the action taken in its "Memorandum Opinion and Order," FCC 80-146, released April 18, 1980, denying a RadioCall petition for rule making. On July 31, 1981, the Commission granted RadioCall's petition for reconsideration and issued a "Notice of Proposed Rule Making" [1] to initiate the reallocation proceeding. As stated in the "Notice," the Commission continued to believe it had made the right decision in denying RadioCall's petition for rule making, based on the record in that proceeding. However, RadioCall supplied new information which substantially changed the stated need, and the Commission, in light of this new information, believed that a reallocation was warranted to enable Hawaiian Radio Common Carriers (RCC's) to transmit inter-island paging and portable telephone signals.

Background

2. The present rules allow RCC's to use the 74 MHz (72-76), 460 MHz (450-460) and 2100 MHz (2110-2130 and 2160-2180) bands to conduct control and repeater operations. Use of the 74 MHz band is restricted to locations where neither television Channel 4 nor television Channel 5 is assigned. The 460 MHz band, which is limited to secondary use, is only available outside the vicinity of densely populated areas. Thus neither the 74 nor the 460 MHz band can be used by RadioCall since that Company's central office is located in downtown Honolulu. The 2100 MHz band is lightly loaded and could be used for intra-island communications. However, as RadioCall points out, the 2 GHz band is unsuited for long-distance, over-water hops, such as are found between the Hawaiian islands.

3. As detailed in the Commission's July NPRM,[2] RadioCall has petitioned the Commission three times over the past ten years in an attempt to gain access to radio frequencies for use with various common carrier operations in the State of Hawaii. RadioCall's most recent efforts have been directed at having UHF-TV Channel 17 (488-494 MHz) reallocated in Hawaii, where it is presently not allotted. RadioCall has demonstrated, in its Petition for Reconsideration and in its supplemental filing of October 20, 1980, that a very real problem exists when Hawaiian RCC's wish to provide inter-island paging and mobile telephone service to their customers. In recognition of this public service need, the Commission issued its "Notice" in which it proposed the reallocation of Channel 17 in Hawaii and the rules which would govern its use.

[1] 46 FR 40536 (August 10, 1981).

[2] *Ibid.*, see paragraphs 2 through 4, "BACKGROUND."

Comments and Discussion

4. The Commission received four comments in unanimous support of our proposed reallocation. There was no opposition. The Hawaiian Telephone Company (Hawaiian) pointed out however that two statements made in this proceeding are misleading. The first concerns RadioCall's unwillingness to lease wireline facilities because the cost would be "prohibitively expensive." The Commission's staff informally queried General Telephone and Electronics (GTE), Hawaiian's parent company, when researching RadioCall's proposal, and GTE confirmed that the cost of such use of wireline would indeed be too great to be considered as a viable alternative. Whether characterized as "prohibitively expensive" or "too expensive" matters not; it is significant that Hawaiian does not dispute our conclusion that due to cost wireline is not a viable alternative. The second point raised by Hawaiian concerns RadioCall's statement that no RCC is presently able to offer inter-island communications service. Hawaiian states that it in fact "offers and has offered for many years a wide range of inter-island services". These two points notwithstanding, Hawaiian has reaffirmed its position with regard to this rulemaking proceeding. In its comments, the Association of Maximum Service Telecasters, Inc. (MST) stressed the uniqueness of RadioCall's request and urged the Commission to adopt this reallocation but not to view it as a precedent. We appreciate MST's concern and the uniqueness of the position it has taken here with regard to the reallocation of a television channel to a non-broadcast service. However, we can make no promises or guarantees vis-a-vis other potential UHF spectrum reallocations, e.g. Offshore Radio Telephone's petition (RM-3924) and the Los Angeles County Sheriff's petition (RM-3475), but assure all parties that in each case the Commission will base its decision on all factors presented. Communication Center of Hawaii, a Hawaiian RCC, urged the Commission to allow multiplexing and to expand the use of the 488-494 MHz band to include intra-island communications. While multiplexed equipment is certainly permissible under our proposed rules, intra-island use of Channel 17 is expressly prohibited. As stated in paragraph 2 above, the 2100 MHz band is largely unused and is well suited for Hawaii's intra-island communications links. The Commission denied RadioCall's previous petition which sought just such an allocation. Were it

not for the long over-water hops, we would not have proposed to reallocate the 488–494 MHz band. Furthermore, if we allowed this band to be used both between islands and within the same island, the twelve channels (500 kHz each) would be very quickly used up and the RCC's would no doubt come back seeking reallocation of yet another UHF channel. Therefore, we are restricting the use of Channel 17 to inter-island communications and hope that the twelve RCC channels it creates can be used and re-used so that no other such allocations will become necessary.

5. No replies were filed in response to the above comments. The unanimity of support voiced in the comments reinforces the decision we made in proposing this reallocation. However, we wish to caution the RCC's as we did in the "Notice" that they can expect no protection other than that presently provided for in the rules from any authorized television operations which might later be licensed on adjacent Channels 16 and 18.

6. Pursuant to Section 605 of the Regulatory Flexibility Act (Pub. L. 96–354, September 19, 1980, 94 Stat. 1164; 5 U.S.C. 601 *et seq.*), the Commission certifies that the action proposed herein will not have a significant economic impact on a substantial number of small entities. While RCC's will clearly benefit we note that there are only a few RCC's serving the Hawaiian Islands. Use of Channel 17 for standard broadcast service is now effectively precluded and in any event only one licensee would be able to take advantage of Channel 17 were it available. Although Channel 17 might be useful for low power operations as proposed in Docket 78–253, it is clear that many other channels might be so employed equally. The effect of not having Channel 17 available for low power operations would be minimal.

Action

7. Accordingly, it is ordered that under the authority contained in Sections 4 and 303 of the Communications Act of 1934, as amended, the Commission's rules are amended as set forth in the attached Appendix below, effective May 20, 1982. It is further ordered, that this proceeding is terminated. Any possible use of Channel 17 in Hawaii resulting from adoption of low power television rules, BC Docket 78–253, would be precluded by this action.

(Secs. 4, 303, 307, 48 Stat., as amended 1066, 1082, 1083, (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

For the reasons set out in the preamble, Parts 2, 22, 73 and 74 of Chapter I of Title 47, Code of Federal Regulations, are amended as set forth below.

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS, GENERAL RULES AND REGULATIONS

1. In § 2.106, the Table of Frequency Allocations is revised by adding footnote designator NG127 in column 8 to the band 470–512 MHz, as shown below:

§ 2.106 Table of frequency allocations.

FEDERAL COMMUNICATIONS COMMISSION

Band (MHz)	Service	Class of station	Frequency	Nature of services of stations
7	8	9	10	11
*	*	*	*	*
470–512	Broadcasting	Television broadcasting		Broadcasting.
	Land mobile	Land mobile		Public safety.
	(NG66)	Base		Industrial.
	(NG114)			Land transportation.
	(NG127)			Domestic public.
*	*	*	*	*

NG127 In Hawaii, the frequency band 488–494 MHz is allocated exclusively to the fixed service for use by common carrier control and repeater stations for point-to-point inter-island communications only.

2. Section 2.106 is revised by adding the text of footnote NG127, in proper numerical sequence following the Table, as shown below:

* * * * *

PART 22—PUBLIC MOBILE RADIO SERVICES

In § 22.501, paragraph (m) is added to read as follows:

§ 22.501 Frequencies.

* * * * *

(m) In lieu of a wireline circuit for control of a specific base station transmitter from its required control point or in lieu of wirelines for an audio circuit to a base station control point from a remotely located fixed receiver used for reception of mobile station transmissions, and upon an affirmative showing that the conditions set forth in subparagraphs (1) through (6) of this paragraph are satisfied, point-to-point inter-island control and repeater stations may be authorized in the State of Hawaii upon the frequency pairs indicated below:

Transmitter (or receiver) (MHz)	Receiver (or transmitter) (MHz)
488.250	491.250
488.750	491.750
489.250	492.250
489.750	492.750
490.250	493.250
490.750	493.750

(1) All applicants for regular authorization in this band shall before filing an application or major amendment to a pending application, coordinate the proposed frequency usage with existing users in the area and other applicants with previously filed applications. All applicants, permittees and licensees shall cooperate fully and make reasonable efforts to resolve technical problems.

(2) Each applicant shall identify in its application all entities with which the technical proposal was coordinated.

(3) If technical problems cannot be resolved, the Commission will assign a suitable frequency or designate the application for hearing.

(4) The following guidelines are applicable to the coordination procedure:

(i) Coordination involves two separate elements: Notification and response. Both or either may be oral or in written form. To be acceptable for filing, all applications and major technical amendments must certify that coordination, including response, has been completed. The name of the carriers with which coordination was accomplished must be specified.

(ii) Notification must include relevant technical details of the proposal. At minimum, this should include, as applicable, the following:

Transmitting station name.

Transmitting station coordinates.

Frequencies and polarizations to be added or changed.

Transmitting equipment type, its stability, actual output power, and emission designator.

Transmitting antenna type and model and, if required, a typical pattern and maximum gain.

Transmitting antenna height above ground level and ground elevation above mean sea level.

Receiving station name.

Receiving station coordinates.

Receiving antenna type and model and, if required, a typical pattern and maximum gain.

Receiving antenna height above ground level and ground elevation above mean sea level.

Path azimuth and distance.

(iii) Response to notification should be made as quickly as possible, even if no technical problems are anticipated. Every reasonable effort should be made by all carriers to eliminate all problems and conflicts. If no response to notification is received within 30 days, the applicant will be deemed to have made reasonable efforts to coordinate and may file his application without a response.

(iv) The 30-day notification period is calculated from the date of receipt by the carrier being notified. If notification is by mail, this date may be ascertained by: (A) The return receipt on certified mail, (B) the enclosure of a card to be dated and returned by the recipient, or (C) a conservative estimate of the time required for the mail to reach its destination. In the latter case, the estimated date when the 30-day period would expire should be stated in the notification.

(v) All technical problems that come to light during coordination must be resolved unless a statement is included with the application to the effect that the applicant is unable or unwilling to resolve the conflict and briefly the reason therefor.

(vi) Where a number of technical changes become necessary for a system during the course of coordination, an attempt should be made to minimize the number of separate notifications for these changes. Where the changes are incorporated into a completely revised notice, the items that were changed from the previous notice should be identified.

(vii) Where subsequent changes are not numerous or complex, the carrier receiving the changed notification should make an effort to respond in less than 30 days. Where the notifying carrier believes a shorter response time is reasonable and appropriate, it may be helpful for him to so indicate in the notice and perhaps suggest a response date.

(viii) If it is determined that a subsequent change could have no impact on some carriers receiving the original notification, it is not necessary to coordinate the change with such carrier. However, these carriers should be advised of the change and of the opinion that coordination is not required for said change.

(5) The effective radiated power of the control and repeater station does not exceed 150 watts.

(6) The antenna beamwidth will not exceed 15°.

PART 73—RADIO BROADCAST SERVICES

In § 73.603, paragraph (d) is added to read as follows:

§ 73.603 Numerical designation of television channels.

* * * * *

(d) In Hawaii, the frequency band 488–494 MHz is allocated for non-broadcast use. This frequency band (Channel 17) will not be assigned in Hawaii for use by television broadcast stations.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTION SERVICES

In § 74.702, paragraph (a)(2) is revised to read as follows:

§ 74.702 Channel assignments.

(a) * * *

(1) * * *

(2) Any one of the UHF channels from 14 to 69 inclusive may be assigned to a UHF low power TV or TV translator station. In accordance with § 73.603(c) of Part 73 of this Chapter, Channel 37 will not be assigned to such stations. Channel 17 is allocated for nonbroadcast use in Hawaii and will not be assigned to a UHF low power TV or TV translator station in that State.

* * * * *

[FR Doc. 82-10798 Filed 4-19-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket No. 80-605; RM-3569]

Amendment To Permit the Use of Certain kHz Offset Assignments in a Specific MHz Band in the Private Land Mobile Radio Services; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule, correction.

SUMMARY: In a previous report and Order, the Commission adopted rules permitting radio stations in any of the frequency-coordinated Private Land Mobile Radio Services to use 12.5 kHz offset frequencies after such uses were properly coordinated. This document makes necessary corrections because of the accidental omission of a phrase in § 90.267(a)(1) in the Appendix to the Report and Order.

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

FOR FURTHER INFORMATION CONTACT: Arthur C. King, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Subpart D or Part 90 of the Commission's rules and regulations to permit the use of 12.5 kHz offset assignments in the 450–460 MHz band in the Private Land Mobile Radio Services, PR Docket No. 80-605, RM-3569.

Released: March 30, 1982.

The Report and Order in this proceeding (46 FR 45953) included an appendix containing a new rule § 90.267 which, among other things, consolidated the rules formerly appearing at other places in Part 90. In the consolidation process, a phrase was inadvertently dropped from § 90.267(a)(1). That section should have read as follows:

§ 90.267 Assignment and use of 12.5 kHz frequency offsets.

(a) ***

(1) All stations shall be licensed as mobiles but they may serve the functions of base, fixed, or mobile relay stations. Such stations are limited to 2 watts output power. A1, A2, A3, A9, F1, F2, F3, and F9 emissions may be authorized and mobile stations, when used as fixed stations, shall be exempt from the limitations of § 90.233.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-10796 Filed 4-19-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 97

[FCC 82-152]

Amateur Radio Service; Amendment of the Commission's Rules To Remove Frequency Measurement and Regular Check Rule

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document deletes § 97.74 of Subpart C, Part 97 of the Commission's rules for the Amateur Radio Service. This section, known as the Frequency Measurement and Regular Check rule, is being deleted because its requirements are obsolete, and impose an unnecessary burden on licensees.

DATES: Effective April 29, 1982.

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

FOR INFORMATION CONTACT: Harold Salters, Private Radio Bureau, Washington, D.C. 20554, (202) 632-7597.

SUPPLEMENTARY INFORMATION: Because this action merely deletes an obsolete provision of the rules and relieves a burden from licensees, the FCC finds that notice and public procedure thereon are unnecessary and contrary to the public interest and may be omitted under 5 U.S.C. 553(b)(3)(B).

List of Subjects in 47 CFR Part 97

Radio

In the matter of amendment of Part 97 of the Commission's rules.

Order

Adopted: April 1, 1982.

Released: April 12, 1982.

1. We are deleting § 97.74 (47 CFR 97.74) of the Commission's rules for the Amateur Radio Service. This rule is unnecessarily burdensome to the licensee, is unenforceable and serves no useful regulatory purpose. The rule now requires that:

> The licensee of an amateur station shall provide for measurement of the emitted carrier frequency or frequencies and shall establish procedures for making such measurement regularly. The measurement of the emitted carrier frequency or frequencies shall be made by means independent of the means used to control the radio frequency or frequencies generated by the transmitting apparatus and shall be of sufficient accuracy to assure operation within the amateur frequency band used.

2. There are three distinct problems with this rule which together merit its deletion. First, the rule is ambiguous. It requires the licensee to "provide for" measuring the station's emitted carrier frequency and requires that the licensee "establish procedures" to regularly check the emitted frequency. Providing for a measurement and establishing procedures are not the same as actually accomplishing the measurement. The lack of specificity in this rule renders it unenforceable.

3. Second, the rule places an unnecessary burden upon licensees. This rule section was adopted in the days of amateur radio when most radio installations had the transmitter and the receiver as separate pieces of equipment. Then, it was possible for the operator to independently check the emitted frequency of the transmitter by using the receiver. In today's equipment, the transmitter and the receiver are often one unit—a transceiver. Therefore, the only way many of today's amateur radio operators can independently check their emitted frequency would be to obtain another piece of equipment. Further, they would have to obtain this additional equipment merely to comply with the rule.

4. Third, the rule seeks a regulatory goal that is already provided for in another Amateur Radio Service rule section. The rule we are deleting states that it seeks "to assure operation within the amateur frequency band used." The Commission's regulatory interest in having the carrier frequency confined to the amateur radio band in which the station is operating is already assured by § 97.63 of the Amateur Radio Service rules (47 CFR 97.63). This rule requires that all sideband frequencies resulting from keying or modulating a carrier wave shall be confined within the authorized amateur band. Also, the state-of-the-art of amateur radio equipment is such that unintended operation outside the amateur radio band is not a problem.

5. For the reasons given above, § 97.74 of the Amateur rules should be deleted.

6. Authority for this action is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r). We are dispensing with the prior notice and public procedure provisions of the Administrative Procedure Act as unnecessary, and contrary to the public interest (see 5 U.S.C. 553(b)(3)(B) since this action merely deletes an obsolete provision of the rules and relieves a burden from licensees.

7. Accordingly, it is ordered, effective April 29, 1982 that Part 97 of the Commission's rules is amended as set forth in the attached Appendix below.

8. For further information on this matter, contact Harold Salters, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632-7597.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 97—AMATEUR RADIO SERVICE

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 97.74 [Reserved]

Section 97.74 is removed in its entirety, and marked "Reserved".

[FR Doc. 82-10801 Filed 4-19-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[FCC 82-153]

Amateur Radio Service; Amendment To Remove Transmitter Power Supply Rule

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document deletes § 97.71 of Subpart C, Part 97 of the Commission's rules for the Amateur Radio Service. This section, known as the transmitter power supply rule, is being deleted because its requirement is inappropriate, outmoded and has no present or future utility or effect.

DATES: Effective April 26, 1982.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR INFORMATION CONTACT: Harold Salters, Private Radio Bureau, Washington, DC 20554, (202) 632-7597.

SUPPLEMENTARY INFORMATION: Because this action deletes an obsolete and inappropriate rule, the FCC finds that notice and public procedure thereon are unnecessary and contrary to the public interest and may be omitted under 5 U.S.C. 553(b)(3)(B).

List of Subjects in 47 CFR Part 97

Radio

In the matter of amendment of Part 97 of the Commission's rules.

Order

Adopted: April 1, 1982.

Released: April 12, 1982.

1. We are deleting § 97.71 of the Commission's rules and regulations for the Amateur Radio Service. This rule section (47 CFR 97.71) requires the licensee of an amateur radio station employing frequencies below 144 MHz to use an "adequately filtered DC plate power supply" for his or her transmitter.

2. When a transmitter power supply is poorly filtered, an undesirable "hum" noise is transmitted which could possibly interfere with other radio transmissions. This rule section dates from the early days of radio, when the state of radio art was such that obtaining a well-filtered DC power supply was no mean feat.

3. The state of the radio art has advanced to the point where virtually all radio transmitting equipment employs adequately filtered power supplies. In addition, § 97.73 of the Amateur Radio Service rules (47 CFR 97.73) already specifies quantitatively the purity of emissions standard for all amateur radio transmissions. This is in sharp contrast

with the rule we are deleting, which uses the term "adequately filtered." Such a general, non-quantitative phrase as "adequately filtered" is not appropriate for a technical standard.

4. The Commission finds the requirement of § 97.71 is inappropriate, outmoded and has no present or future utility or effect. The desirable goal of interference-free operation that § 97.71 seeks is easily attained by the currrent state of the radio art, and, indeed any amateur wishing to hear or be heard by other stations would employ adequately filtered equipment.

5. Authority for this action is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r). We are dispensing with the prior notice and public procedure provisions of the Administrative Procedure Act as unnecessary, and contrary to the public interest (see 5 U.S.C. 553(b)(3)(B)) since this action merely deletes an obsolete provision of the rules.

6. Accordingly, it is ordered, effective April 26, 1982 that Part 97 of the Commission's rules is amended as set forth in the attached Appendix below.

7. For further information on this matter, contact Harold Salters, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632-7597.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 97—AMATEUR RADIO SERVICE

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 97.71 [Reserved]

Section 97.71 is removed in its entirety, and marked "Reserved".

[FR Doc. 82-10800 Filed 4-19-82; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 619

Preemption of State Authority Under Section 306(b) of the Magnuson Fishery Conservation and Management Act

Correction

In FR Doc. 82-7281 appearing at page 12181 in the issue for Monday, March 22, 1982 please make the following correction:

On page 12182, in the "Date" paragraph, the interim rule effective date should have been specified as April 16, 1982.

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 47, No. 76
Tuesday, April 20, 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.

CIVIL AERONAUTICS BOARD

14 CFR Part 399

[PSDR-74; Docket No. 40584; Dated: April 1, 1982]

Statements of General Policy; Domestic Passenger Fare Flexibility Rules

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice asks for comment on three possible ways of changing the CAB's domestic passenger fare flexibility rules. The three options are: (1) Granting an additional 20 percentages points of upward flexibility above the present ceiling, which in Mainland markets is the Standard Industry Fare Level plus $16 plus 30 percent, (2) granting a percentage upward flexibility without the current fixed dollar amount, and (3) removing all upward pricing constraints in interstate and overseas air transportation except within Alaska. The notice is the result of a review of domestic air fares and is intended to prepare for the end of the CBA's domestic pricing authority on January 1, 1983.

DATE: Comments by: May 20, 1982. Reply comments by: June 4, 1982.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List: April 30, 1982.

The Docket Section prepares the Service list and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 40584, Civil Aeronautics Board, 1925 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Julien R. Schrenk, Acting Assistant Director, Fares, Rates, and Tariffs, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5298.

SUPPLEMENTARY INFORMATION: By PS-98 (45 FR 70431; October 24, 1980), the Board set forth its policy for domestic passenger fare flexibility. The policy set certain zones within which airlines may set fares with limited risk of suspension by the Board. The ceiling of the regulatory no-suspend zone for the contiguous 48 States was set at the Standard Industry Fare Level (SIFL) (as defined by the Airline Deregulation Act of 1978, Pub. L. 95-504) plus $15, plus an additional upward flexibility of 30 percent. The $15 figure has been adjusted several times, and is now $16. In PS-96 (45 FR 48600; July 21, 1980), the Board set the ceiling for most other domestic markets at 30 percent above SIFL. This notice presents three options for changing the ceiling. Each course of action would raise the ceiling, allowing the airlines greater flexibility to set prices and to adjust to various cost changes without Board interference. Keeping the present system until the end of 1982 is another viable option.

Increased flexibility would enable the airlines to adjust gradually to the end of all domestic fare regulation on January 1, 1983, as mandated by the Deregulation Act. The Board would be able to monitor the airlines' use of this increased flexibility as a guide to what might happen to fares in 1983 and beyond.

The three options presented here are:

—Grant an additional 20 percentage points of flexibility, so that the ceiling would be the SIFL plus $16 plus 50 percent for Mainland markets and SIFL plus 50 percent for most other interstate and overseas markets;

—Remove the $16 element for Mainland markets so that upward flexibility would be expressed uniformly as a percentage above the SIFL, and increase that percentage to a figure such as 50 or 60 percent;

—Remove all limits on upward flexibility in interstate and overseas markets, with the exception of intra-Alaska markets.

Background

In 1981, the Air Transportation Association of America (ATA) filed a petition to, among other things, broaden the domestic regulatory zone of fare flexibility (Docket 39497). ATA argued that expansion of the zones was needed to allow the airlines greater freedom to purse flexible pricing policies and to respond more quickly to rapidly rising fuel and other costs.

The Board denied the ATA petition (Order 81-9-97, dated September 15, 1981). The Board stated that it would have granted the petition were it not for the restraint on capacity imposed as a result of the shortage of air traffic controllers. Because of that unusual situation, the Board wanted the opportunity to observe the effect of the new enforced capacity restraint.

While there are still capacity restrictions at major airports on the domestic airline system because of air traffic control limitations, competition has remained strong enough to allay the Board's initial concern about the restrictions' effect on fares. During this same time period, fuel costs have stabilized, and the rate of increase in the SIFL (which is periodically adjusted for cost changes) has declined. The SIFL increase for January 1, 1982, was 2.9 percent, measured for a 6-month period, compared to 5.7 percent on March 1, 1981, measured for a period of only 3 months. The cost of domestic jet fuel actually declined from a high of 103.7 cents in March 1981 to 101.4 cents in December 1981.

The capacity restraints are of course still present, and have combined with the economic recession to reduce airline carriage. There has been a reduction in the number of flights for December 1981 as compared with both December 1980 (−3.1 percent) and September 1981 (−7.9 percent). In addition, the changes in departures and seats by month for 1981 compared to 1980 show a decline in every month except July and December. Passenger load factors declined in the first 6 months of 1981 over 1980 rather sharply, but tapered off in the second half of that year. The average domestic trunk passenger yield closely followed the SIFL cost adjustments until the last half of 1981. The data to support these statements will be placed in the docket.

Despite these restraints, competition has been maintained and appears likely

to continue its return to full strength. According to the FAA, the carriers at the 22 restricted airports are currently running during peak periods at between 76 and 78 percent of their operations prior to the air traffic controller walkout in July 1981. The percentage of operations is higher during non-peak periods. The operational level is expected to increase this summer. Seven major airports, however, will not be allowed any additional flights through next October. The other 15 restricted airports will be allowed varying increases in operations, ranging from as few as 10 flights a day at the LaGuardia airport at 104 at Atlanta. With those increases, the nationwide air system will be operating at about 90 percent of the pre-walkout level by August 1982.

After reviewing those data, and looking forward to the upcoming end of its domestic fare authority on January 1, 1983, the Board is faced with the choice of either removing the ceiling of the zone, keeping the existing ceiling, or increasing it.

The Effect of Keeping the Existing Ceiling

As pictured above, there does not appear to be a significant difference in operation of the airline system from what existed in September 1981 when the Board denied the ATA petition to increase the zone ceiling. There appears to be no factual basis for concluding that the existing cost pass-through mechansim is inadequate. In the past, when needed, the Board has promptly adjusted the SIFL to reflect rising costs, at times using monthly and weekly data reported by the carriers. As pointed out above, the increases in fuel prices have abated somewhat. In the near future, there appears to be no indication that cost increases will outstrip the ability of the Board to adjust the SIFL accordingly.

The present ceiling of the SIFL plus $16 plus 30 percent for Mainland markets, and SIFL plus 30 percent for most other markets, has proven sufficient in the past, and there is no reason to question that it will continue to do so in the remaining 8 months of the Board's domestic passenger fare regulation authority. As shown below, carrier overall pricing is not consistently bumping the ceiling. Further, the ceiling provides the Board a tool for ensuring that the transition to fare deregulation is a controlled one while carriers and the public are still adjusting to pricing flexibility. There thus appears to be no overwhelming reason for changing the existing ceiling at this time. The following options also have their advantages, however, and the Board invites comments on each.

Option A: Eliminate the Ceiling

In response to the zones now in effect, the airlines have been using the SIFL as a price-setting mechanism for normal coach fares. They have been relying on discount fares with varying degrees of restrictions or conditions for price competition in selected markets. For example, the percentage of normal coach fares at 90 percent or more of the upper limit of the flexibility zone above SIFL (hereafter referred to as MAXSIFL) continues to increase (39 percent for the week ended January 14, 1982, compared with 35.4 percent for the week ended March 21, 1981). The percentage of normal coach fares at less than 70 percent of the MAXSIFL has also increased, however, from 10.1 percent to 14.7 percent for the same periods. Over this same period, the percentage of traffic moving at discount fares substantially increased. The average fare paid in most markets is below the SIFL and well below the MAXSIFL.

Before the recent entry of new low-cost airlines specializing in point-to-point service, the pricing policy of the major airlines had been keyed to the SIFL and MAXSIFL levels, with discount fares set at stated percentages of the normal coach fare. The entry of the new point-to-point airlines, with their lower costs and higher productivity resulting in significantly lower competitive fares, has forced the major airlines to match such fares on a market-by-market basis. Even in other markets, carriers have begun to set coach fares at reduced levels. The result has been a deflection of the normal industry tendency to relate prices to the SIFL. Nonetheless, the tendency appears to continue in many markets.

The removal of any ceiling for domestic fares in all interstate and overseas air transportation (except for markets wholly within Alaska) would eliminate artificial restraints. There would be no benchmark to function as a price-setting mechanism as it has in the past, and airlines would be allowed the complete flexibility for pricing under conditions approximating a free market system. The Board could then monitor the operation of the airlines' pricing policies to determine what the effect will be of complete domestic fare deregulation by 1983. Since the industry is only 8 months from the end of any domestic fare regulation, now may be a good time to review the need for any ceiling on fares.

Option B: Increase the Ceiling Percentage to 50 Percent

Option B is essentially that urged in the ATA petition. Under this option, the ceiling (MAXSIFL) for Mainland markets would become the SIFL plus $16 plus 50 percent rather than 30 percent. MAXSIFL for most other domestic markets would be raised from 30 to 50 percent. The Mainland market ceiling was the result of a conservative approach that attempted to give the carriers adequate flexibility, without reliquishing Board control. The conservative approach was thought necessary because that was a time of starting the transition to a free market pricing system. The 30-percent figure was thought to be compatible with the overall level of industry competition at that time. The $16-plus-30-percent formula also provided some increased flexibility in long-haul markets, where some carriers were at or near the ceiling in their pricing.

Times have now changed. Competition in the form of new point-to-point carriers has increased. MAXSIFL might be used as a price leader. The transition to complete domestic fare deregulation is well on its way, and in fact is almost over. There may be no longer a need to be so conservative in the approach to a ceiling for the fare flexibility zone. The ATA suggestion of raising the percentage part of the ceiling formula to 50 percent would provide an increase in the upward zone, but still maintain some Board control. This would be the last step in the phased transition to 1983. Carriers would be freer to adjust their prices for costs, marketing strategies, and competition, since they would no longer need to wait for Board adjustments in the SIFL. Consumers and communities would still be protected, yet the marketplace would play a greater role in setting prices.

Option C: Eliminate Fixed Dollar Amount in Ceiling and Increase Percentage

The same arguments in general for Option B apply equally to Option C. The difference between the options is that the present fixed dollar amount of $16 would be eliminated. The fixed dollar amount was derived in PS-98 (when it was $15) in an attempt to correct the flexibility zones for the short-haul long-haul bias. That figure was an adjustment to the terminal charge in the Phase 9 Domestic Passenger Fare Investigation (DPFI) fare formula. Again, a conservative figure was used because the industry was at the start of the transition to fare deregulation.

The fixed dollar amount, however, has had the effect of allowing a disproportionately high increase in the short-haul markets. Those markets are for the most part small community

feeder service and generally have less competition as a constraint on prices. One way to correct this bias is to construct the ceiling in terms of a percentage only, such as 50 or 60 percent. This would have the benefit of allowing additional airline management flexibility, yet retaining some restraint on price increases during the last 8 months of the transition to complete domestic fare deregulation.

It should be noted that in short-haul markets, where the SIFL is relatively low, the increase in the percentage figure would be more than offset by the elimination of the $16 element, with the result that the new ceiling would actually be lower than the current ceiling. This would generally be the case in markets up to about 460 miles if the 50 percent figure is used, and markets up to about 250 miles if the 60 percent figure is used. In such cases, however, the Board would not require any existing fares to be lowered to the new ceiling. Moreover, in the shortest of these markets the change in the formula would have virtually no effect, because such markets are generally served by small aircraft, for which carriers already have unlimited upward pricing flexibility.

Other Suggestions

The Board recognizes that there are many other possible levles of change in the present fare flexibility structure, along with option of making no change. Commenters are invited, therefore, to suggest any types of change in this area that appear most desirable to them, along with information and arguments to support their suggestions.

Joint Concurring Statement

Members Dalley and Schaffer, Concurring:

We believe our fare flexibility policy has provided substantial benefit to the airline industry and traveling public. We also fully support the move here to consider options for changing the price ceiling, as we near the end of domestic fare regulation.

We also have given some thought to inviting industry and public comment on the other half of the flexibility equation—the price floor. We have no thought of advacating a return to our objectives that we believe are quite consistent with our deregulatory posture.

1. The Congress has placed before the Board not only the mandate for deregulating carrier pricing but also an oversight responsibility for that course. With present concerns in the industry directed at both prices that are possibly too low as well as too high, we see some need for a closer watch of upward *and* downward movements in the remaining crucial nine months of oversight.

2. The Board has already established some policies at the lower end of the pricing scale in regard to predatory or anti-competitive discount pricing (see § 399.32 of the Board's Policy Statements). Although we have no evidence of predatory pricing practices, the Board is aware of some carrier concerns in the subject area. While we are unsure of the most appropriate forum for listening to full carrier comments, we feel the Board should take the initiative to create a valid forum for full exploration of all the current pricing realities.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 76–354, the Board certifies that none of those proposed changes will, if adopted, have a significant economic impact on a substantial number of small entities. The domestic fares charged by small air carriers, which use only small aircraft, are already fully deregulated.

List of Subjects in 14 CFR Part 399

Administrative practice and procedure, Advertising, Air Carriers, Antitrust, Archives and records, Consumer protection, Freight forwarders, Grant proprams-transportation, Hawaii, Motor Carriers, Puerto Rico, Railroads, Reporting requirements, Travel agents, Virgin Islands.

Proposed Rule

PART 399—STATEMENTS OF GENERAL POLICY

The Civil Aeronautics Board proposes to amend 14 CFR Part 399, *Statements of General Policy*, as follows:

Option A: Eliminate Ceiling

1. In § 399.32, paragraph (a) would be revised, paragraph (b) would be amended by adding "(SHFL within Hawaii)" after "SIFL", paragraph (d) would be revised, and paragraph (e), *Fares above the zone*, would be removed, so that the section would read:

§ 399.32 Zones of limited suspension for domestic passenger fares.

(a) *Applicability.* This section sets forth the Board's policy on passenger fares for scheduled service by certificated air carriers in all interstate and overseas markets except markets that are wholly within Alaska.

(b) *Downward flexibility.* Each carrier may set fares in each market at any amount below the SIFL (SHFL within Hawaii). The Board will not suspend such a fare on the ground that its level is unreasonable, except in the following extraordinary circumstances: * * *

(c) [Reserved]

(d) *Upward flexibility.* Each carrier may set fares at any amount above the SIFL (SHFL in Hawaii), and where they are so set, the Board will not suspend them on the grounds that their level is unreasonable except upon a clear showing of abuse of market power that the Board does not expect to be corrected through marketplace forces.

§ 399.33 [Removed and reserved]

2. Sections 399.33, *Additional fare flexibility*, and 399.34, *Intra-Hawaii and Intra-Puerto Rico/Virgin Islands fare flexibility*, would be removed and reserved.

Option B: Increase the Ceiling Percentage to 50 Percent

3. In § 399.32, paragraph (d) would be revised to read:

§ 399.32 Zones of limited suspension for domestic passenger fares.

* * * * *

(d) *Upward flexibility.* Each carrier may set fares above the SIFL as follows, and where they are so set, the Board will not suspend them on the grounds that their level is unreasonable except upon a clear showing of abuse of market power that the Board does not expect to be corrected through marketplace forces:

(1) For service on the Mainland: Up to 50 percent above the sum of the SIFL plus $16. Each time after April 1, 1982, that the Board adjusts the SIFL for cost increases in accordance with § 399.31(c), it will adjust the $16 figure by the same percentage rounded to the nearest whole dollar. The Board order announcing the adjustment will be published in the Federal Register and served on all certificated carriers, and copies will be available through the Domestic Fares and Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

(2) For service between the Mainland and Puerto Rico, the Virgin Islands, Hawaii, or Alaska: Up to 50 percent above the SIFL.

§ 399.34 [Amended]

4. In § 399.34, *Intra-Hawaii and Intra-Puerto Rico/Virgin Islands fare flexibility*, "30 percent" would be replaced by "50 percent" wherever it appears in paragraph (a).

Option C: Eliminate Fixed Dollar Amount in Ceiling and Increase Percentage

5. In Part 399, § 399.32 (a) and (d) would be revised so that the section would read:

§ 399.32 Zones of limited suspension for domestic passenger fares.

(a) *Applicability.* This section sets forth the Board's policy on passenger fares for scheduled service by certificated air carriers in the following areas, except to the extent that greater flexibility is set forth in § 399.33:

(1) Within the 48 contiguous States and the District of Columbia ("the Mainland"); and

(2) Between the Mainland and Puerto Rico, the Virgin Islands, Hawaii, or Alaska.

* * * * *

(d) *Upward flexibility.* Each carrier may set fares up to 50 percent [Alternative Proposal: 60 percent] above the SIFL, and where they are so set, the Board will not suspend them on the grounds that their level is unreasonable except upon a clear showing of abuse of market power that the Board does not expect to be corrected through marketplace forces.

* * * * *

§ 399.34 [Amended]

6. In § 399.34, *Intra-Hawaii and Intra-Puerto Rico/Virgin Islands fare flexibility.* "30 percent" would be replaced by "50 percent" [Alternative Proposal: 60 percent] wherever it appears in paragraph (a).

(Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 406, 407, 408, 409, 411, 412, 414, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 763, 766, 767, 768, 769, 770, 771, 782, 788, 797; 92 Stat. 1708; (49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1381, 1382, 1386, 1461, 1481, 1482, 1502, 1504))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-10802 Filed 4-19-82; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 399

[PSDR-75; Docket No. 38585; Dated: April 1, 1982]

Statements of General Policy; Hawaiian Joint Fares

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: The CAB is proposing to require certain airlines to provide interline service in Hawaii until the end of 1982, to aid in the transition to domestic fare deregulation. This proposal is at the CAB's initiative.

DATES: Comments by: June 4, 1982.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List: May 5, 1982.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket No. 38585, Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Lawrence Myers, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5205 or Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In PSDR-70, 46 FR 29719, June 3, 1981, the Board proposed a number of possible changes to the mandatory joint fare system applicable to the contiguous 48 States and the District of Columbia. The comments in that docket are now being considered by the Board. Joint fare requirements for Hawaii (known as common fares) are set forth in Orders 79-3-141, 81-9-22 and 82-4-13, as modified by an exemption granted by Order 81-9-22. Unlike the requirements for the mainland, which are set forth in 14 CFR 399.37, the common fare requirements are made applicable to carriers through conditions in the carriers' operating certificates.

The tentative decision and order in the "Hawaii Common Fares Investigation," Order 82-3-13, concludes that the certificate condition requiring common fares is not in the public interest and should be eliminated. The effect of that tentative decision, if made final, would be to remove all active Board control over both the availability and structure of joint fares in the Hawaii markets, in contrast to the current level of Board involvement in mainland joint fares.

In PSDR-70, the Board proposed to give commuter carriers on the mainland some transitional protection to help them adjust to the end of domestic fare regulation. Although the needs may be similar in Hawaii, this issue was not focused on by the parties in the "Hawaii Common Fares Investigation." The purpose of this supplementary notice of proposed rulemaking is to give interested persons an opportunity to comment on whether commuter carriers in Hawaii need similar transitional protection to help them adjust to the elimination of the common fare requirement and the end of the Board's domestic fare authority at the end of this year. Action in the comprehensive domestic joint fare rulemaking will not be delayed because of this notice.

The Board is hereby proposing to extend the mandatory interlining alternative set forth in PSDR-70 to Hawaii. Under this proposal, any air carrier that agreed to interline with another air carrier in any interstate market would have to interline, upon request, with any other air carrier in that or any other interstate market. The duty to interline would extend to all interstate markets served by either carrier, excluding Alaska. The carriers would be free to negotiate the division and the joint fare level as long as the joint fare did not exceed the sum of the actual local unrestricted fares for each carrier's portion of the interline routing. If the carriers were unable to agree, the joint fare would be the sum of these fares and each carrier would receive its actual local unrestricted fare.

Mandatory access to interlining in Hawaii might be justified for several reasons. Five of the seven intra-Hawaii carriers are commuters. Because they never were included in the common fare requirement, they had only indirect access to the large volume of common fare passengers. In contrast, under section 37(c) of the Airline Deregulation Act, commuter carriers in the contiguous 48 States and the District of Columbia have had the option since 1979 of participating in the mandatory joint fare program. Mandatory interlining would correct any possible lingering effects of the Board-sanctioned exclusion of the Hawaiian commuters from interline and joint fare opportunities in the past. In addition, it would ensure Hawaiian commuters access to the national air transportation network and provide some transition to deregulation at the end of this year. Because Board oversight over domestic fares ends at the end of 1982, any burden imposed on other carriers would be temporary.

The Board recognizes, however, that mandatory interlining and attendant regulation of the joint fare level and revenue division may be unnecessary because of Hawaii's unique situation. Hawaii's unique geography and dependence on air travel, the highly competitive nature of the mainland-Hawaii and intra-Hawaii markets, the large proportion of vacation tourist travel to and among the islands, the importance of multi-island itineraries to the majority of visitors, and the fact that the current voluntary joint fare involves the participation of all certificated carriers and at least one commuter, all indicate that mandatory interlining may not be necessary in Hawaii to assure equal competitive access for its commuters. See, generally, our tentative findings in Order 82-4-13.

Moreover, a rigid application of the mandatory interlining alternative to Hawaii might undercut some of the utility and value of the existing joint fare arrangement, a voluntary plan permitted by the Board to go into effect *pendente lite* by Order 81-9-22. In particular, restricting the level of joint fares in each market to the sum of the basic on-demand fares could conceivably cause a conflict with the uniform intra-Hawaii flight add-on in a few markets. See, Order 81-9-22, p. 10, note 19. The problem is not the particular level of the add-on, but rather its uniformity in all markets. Yet, to the extent that this uniformity makes the computation of multi-island itineraries easier and more certain, it makes marketing sense in Hawaii and may provide service and price benefits to both visitors and local travelers. On the other hand, given the high proportion of joint fare users in many Hawaii markets, restricting the add-on to the level of the basic on-demand fare may simply act as an incentive to raise the local fares.

We invite public comment on these and other possible considerations relating to the transitional needs of Hawaii carriers and consumers. The effect of not taking action on this proposal would be to leave in place the final decision in the accompanying "Hawaii Common Fares Investigation." Under that decision as proposed (it also could be changed if objections were filed with which the Board agreed), the Board would no longer regulate joint fares in Hawaii. The proposal in this supplemental notice will in no way determine what final action will be taken in the comprehensive domestic joint fares rulemaking.

Regulatory Flexibility Act

The Board certifies that this proposed amendment will not, if adopted, have a significant economic impact on a substantial number of small entities, in accordance with 5 U.S.C. 605. There are only five intra-Hawaiian air carriers that are small businesses. In addition, the change would only be in effect until the end of 1982, so that the effect would not be significant.

List of Subjects in 14 CFR Part 399

Administrative practice and procedure, Advertising, Air carriers, Antitrust, Archives and records, Consumer protection, Freight Forwarders, Grant programs-transportation, Hawaii, Motor carriers, Puerto Rico, Railroads, Reporting requirements, Travel agents, Virgin Islands.

Accordingly, the Civil Aeronautics Board proposes to supplement PSDR-70, 46 FR 29719, June 3, 1981, as follows:

PART 399—STATEMENTS OF GENERAL POLICY

1. 14 CFR 399.37, *Joint Fares*, would be amended so that the section would read:

§399.37 Joint Fares.

Except for markets involving Alaska, an air carrier that agrees to interline with another air carrier in an interstate market is required to interline, upon request, with any other air carrier in that or any other interstate market. The carriers are free to negotiate the division and the joint fare level, as long as they make available a joint fare that does not exceed the sum of the basic on-demand fares for each carrier's portion of the interline routing (hereafter, the "local routing"). If the carriers are unable to agree, they shall make available a joint fare equal to that sum and each carrier shall receive its basic on-demand fare. A carrier need not agree to the same joint fare and division with all carriers in a market. As used in this section, a carrier's basic on-demand fare over a local routing means the lowest one-way fare that is available, at the time the reservation for the joint fare is made, to any individual passenger traveling over that local routing, other than a standby fare or a fare that is subject to any of the following restrictions: advance purchase of 24 hour or more, minimum or maximum stay, or required ground package.

(Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 406, 407, 408, 409, 411, 412, 414, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 763, 766, 767, 768, 769, 770, 771, 782, 788, 797, 92 Stat. 1706; (49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1386, 1461, 1481, 1482, 1502, 1504))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-10793 Filed 4-19-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 357

[Docket No. 81N-0022]

Weight Control Drug Products for Over-the-Counter Human Use; Establishment of a Monograph

Correction

In FR Doc. 82-4782 appearing on page 8466 in the issue of Friday, February 26, 1982, make the following correction:

On page 8469, third column, in the 14th line from the top of the page, "338" should have read "838".

BILLING CODE: 1505-01-M

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21 CFR Part 874

[Docket No. 78N-1549]

Ear, Nose, and Throat Devices; General Provisions and Classification of 67 Devices

Correction

In FR Doc. 82-1437, appearing at page 3280, in the issue of Friday, January 22, 1982, make the following changes:

1. On page 3280, in the third column, the fourth paragraph, the eleventh line change "not" to "now".

2. On page 3292, in the second column, paragraph 1., the last sentence should read "The generic type of device includes three types of applications: hardwire systems, inductance loop systems, and wireless systems."

3. On page 3297, in the first column, the first paragraph, the sixth line, change "speed" to "speech".

4. On page 3297, in the second column, paragraph 4. line 20, change "H.G. Neil" to "H.G. Neel".

5. On page 3303, in the third column, paragraph 4, line 20, change "H.G. Neil" "serious" to "serous".

6. On page 3319, in the third column, change the 4th heading under Subpart D to read "874.3330 Master hearing aid.".

7. On page 3323, in the heading and first line of § 874.4100 change "ballon" to "balloon".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-176-80]

Subsidized Borrowings To Reduce Business Energy Credits; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the rule which reduces the energy credit where energy property is financed by subsidized energy financing or tax exempt industrial development bonds.

DATES: The public hearing will be held on June 3, 1982, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by May 20, 1982.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-176-80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-4691, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 48 of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Tuesday, January 26, 1982 (47 FR 3559).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by May 20, 1982. Each speaker will be limited to 10 minutes for oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the Federal Register for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 82-10691 Filed 4-19-82; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

Surface Coal Mining and Reclamation Enforcement in Alabama; Review of State Program Submission

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Reopening of public comment period.

SUMMARY: The Office of Surface Mining (OSM) is reopening the period for review and comment on the resubmission by Alabama of its program for the regulation of surface coal mining and reclamation in the State. Specifically, OSM is reopening the comment period to allow the public sufficient time to consider and comment on additional material in the Administrative Record.

DATE: Written comments, data, or other relevant information relating to the Alabama program submission must be received on or before 4:00 p.m., April 30, 1982, to be considered.

ADDRESS: Comments on the Alabama program submission should be mailed or hand-delivered to: Office of Surface Mining, Attention: Alabama Administrative Record, 530 South Gay Street SW., Suite 500, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: John T. Davis, Assistant Regional Director, State and Federal Programs, Office of Surface Mining, 530 South Gay Street SW., Suite 500, Knoxville, Tennessee 37902, Telephone: (615) 971-5104.

SUPPLEMENTARY INFORMATION: On January 15, 1982, at 47 FR 2338-2340, OSM published notice of the public hearing and the public comment period on the resubmitted Alabama program. On April 9, 1982, OSM and Alabama regulatory authority officials met in executive session in Washington, D.C. to discuss the resubmitted Alabama program (Administrative Record No. ALA-347). Thus, OSM is reopening the public comment period until 4:00 p.m., April 30, 1982, to allow the public time to review and comment on the above meeting notes and additional material submitted by Alabama (Administrative Record No. ALA-347).

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the Surface Mining Control and Reclamation Act of 1977.

Dated: April 15, 1982.

William B. Schmidt,

Acting Director, Office of Surface Mining.

[FR Doc. 82-10667 Filed 4-19-82; 8:45 am]

BILLING CODE 4310-05-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Additional Eligibility Period

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The Veterans Administration is amending the educational benefits portion of its vocational, rehabilitation and educational regulations to add the criteria that a veteran must meet to get an additional period of eligibility for educational assistance. These rules affect Vietnam Era veterans with basic eligibility for educational assistance under Chapter 34 and 36 of 38 U.S.C. The new rules are authorized by the Veterans' Health Care, Training and Small Business Loan Act of 1981.

DATE: Comments must be received on or before May 19, 1982. We propose to make this change effective January 1, 1982.

ADDRESSES: Interested person are invited to submit written comments, suggestions or objections regarding this proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Ave., 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 Friday (except holidays), until June 1, 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: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, Washington, D.C. 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: Section 21.1042 is amended to show that § 21.1044 provides an exception to the general rule that veterans have 10 years from their date of discharge to use their entitlement to educational assistance allowance.

Section 21.1044 is added to state the criteria a Vietman Era veteran must meet in order to get an additional period of eligibility. This policy change is required by law.

The Veterans Administration has determined that these proposed regulations do not contain a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. The proposals will not result in any major increases in costs or prices for anyone. They will have no 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 Administrator of Veterans' Affairs hereby certifies that these proposed regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. These regulations are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. This certification is based on the fact that these regulations will affect only individual benefit recipients. They will have no significant direct impact on small entities (i.e. small business, small private and nonprofit organizations, and small governmental jurisdictions.)

The Catalog of Federal Domestic Assistance number for the program affected by these proposed regulations is 64.111.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 30, 1982

Robert P. Nimmo,

Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

The Veterans Administration proposes to amend 38 CFR Part 21 as follows:

1. In § 21.1042, paragraphs (a) and (b) are revised to read as follows:

§ 21.1042 Ending dates of eligibility.

The ending date of eligibility will be determined as follows:

(a) *General.* Except as otherwise provided in this section and as provided by §§ 21.1043 and 21.1044, the Veterans Administration will not provide educational assistance to a veteran later than the earlier of the following:

(1) Ten years from his or her last discharge or release from active duty after January 31, 1955, or

(2) December 31, 1989. (38 U.S.C. 1662; Pub L. 97–72, 95 Stat. 1047)

(b) *Correction of military records.* If the veteran becomes eligible for educational assistance as the result of a correction of military records under 10 U.S.C. 1552, or a change, correction or modification of a discharge or dismissal under 10 U.S.C. 1553, or other correction action by competent military authority, the Veterans Administration will not provide educational assistance later than 10 years after the date his or her discharge or dismissal was changed, corrected or modified (except as provided by § 21.1043 or § 21.1044). or December 31, 1989, whichever is the earlier. (38 U.S.C. 1662; Pub. L. 97–72, 95 Stat. 1047)

* * * * *

2. Section 21.1044 is added to read as follows:

§ 21.1044 Additional period of eligibility.

A veteran who meets the basic eligibility criteria found in § 21.1040 has an additional period of eligibility if he or she also meets the requirements of this section. (38 U.S.C. 1662(a); Pub.L. 97–72, 95 Stat. 1047)

(a) *Service requirements.* (1) The veteran must have served at least 1 day on active duty after August 4, 1964 and before May 8, 1975. The veteran must have received an unconditional discharge or release under conditions other than dishonorable from the period of service upon which the additional eligibility period is based.

(2) In determining whether this requirement is met, the Veterans Administration will use the criteria stated in § 21.1040(d). (38 U.S.C. 1662(a); Pub.L. 97–72, 95 Stat. 1047)

(b) *Entitlement requirement.* The veteran must have unused entitlement to educational assistance allowance. (38 U.S.C. 1662(a); Pub.L. 97–72, 95 Stat. 1047)

(c) *Time and length of additional eligibility period.* (1) If the ending date of the veteran's period of eligibility or extended period of eligibility as determined by § 21.1042 or § 21.1043 is before January 1, 1982, the beginning date of the additional eligibility period will be—

(i) The first date of attendance or training as certified by the school or training establishment, or

(ii) January 1, 1982, whichever is later.

(2) If the ending date of the veterans's period of eligibility or extended period of eligibility as determined by § 21.1042 or § 21.1043 is after December 31, 1981, the beginning date of the additional eligibility period will be—

(i) The first date of attendance or training as certified by the school or training establishment, or

(ii) The first day following the end of the veteran's period of eligibility or extended period of eligibility, whichever is later,

(3) The ending date of an additional eligibility period is—

(i) The last day of attendance or training as certified by the school or training establishment, or

(ii) December 31, 1983, whichever is earlier. (38 U.S.C. 1662(a); Pub.L. 97–72, 95 Stat. 1047)

(d) *Permissible programs.* (1) During this period of eligibility the veteran may only pursue—

(i) A program of apprenticeship or other on-job training;

(ii) A course pursued in residence leading to a vocational objective; or

(iii) A program of secondary education.

(2) During this period of additional eligibility the veteran may not pursue—

(i) A flight training course;

(ii) A correspondence course;

(iii) A correspondence-residence course;

(iv) A course leading to a standard college degree; or

(v) A program of secondary education if her or she already has a secondary school diploma or an equivalency certificate.

(3) If the veteran pursues a program of secondary education, his or her monthly educational assistance allowance must be based upon the tuition and fees charged to the veteran for the course as provided in 38 U.S.C. 1691(b)(2). (38 U.S.C. 1662(a); Pub.L. 97–72, 95 Stat. 1047)

(e) *Need requirements—vocational or occupational objective.* The veteran must need the program or course he or she wishes to pursue in order to achieve a suitable occupational or vocational objective. The Veterans Administration will consider that this need exists when the veteran—

(1) Has never been employed in an occupation which requires more than 3 months of specific vocational preparation or training;

(2) Does not have an associate's degree or a higher degree;

(3) Has not successfully completed 60 credit hours or the equivalent leading to an associate's degree or a higher degree;

(4) Wishes to pursue a program of apprenticeship or other on-job training or a course pursued in residence leading to a vocational objective. (38 U.S.C. 1662(a); Pub.L. 97–72, 95 Stat. 1047)

(f) *Requirements—secondary school diploma.* The veteran may pursue a program of secondary education during the additional eligibility period provided he or she does not have a secondary school diploma or an equivalency certificate. (38 U.S.C. 1662(a); Pub.L. 97–72, 95 Stat. 1047)

(g) *Limitations.* If a veteran becomes disabled during the additional eligibility period, he or she may not qualify under § 21.1043 for a extension of the additional eligibility period past December 31, 1983. (38 U.S.C. 1662(a); Pub.L. 97–72, 95 Stat. 1047)

[FR Doc. 82-10744 Filed 4-19-82; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[PEN-FRL-1829-6]

Federal Insecticide, Fungicide, and Rodenticide Act; State Primary Enforcement Responsibilities Under Sections 26 and 27

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Interpretive Rule.

SUMMARY: This proposed interpretive rule states EPA's proposed interpretation of several of the key provisions in Sections 26 and 27 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), but does not impose substantive requirements on the States. The proposed interpretive rule provides operational substance to the criteria used by EPA for primacy-related decisionmaking, and will ensure that such decisionmaking is consistent throughout the Regions.

It should be noted that since this is an interpretive rule, EPA is not required under the Administrative Procedure Act to promulgate the Rule through notice-and-comment rulemaking. However, because of the importance of the subject matter addressed by this Rule, the Agency has determined in its discretion to publish this document in proposed form and solicit comments.

DATE: Comments on the proposed Interpretive rule should be received on or before June 21, 1982.

ADDRESS: Comments should be directed to: Sheila Stokes (EN–342), Pesticides and Toxic Substances Enforcement Division, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

All written comments will be available for public inspection from 8:30 a.m. to 4:00 p.m., Monday through Friday, in Room 3624 at the above address.

FOR FURTHER INFORMATION CONTACT: Laura Campbell, (202) 755–1212.

SUPPLEMENTARY INFORMATION: In 1978, Congress enacted Pub. L. 95–396 which contained numerous revisions to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 *et seq.*). One of the changes added two new sections to FIFRA, Sections 26 and 27, 7 U.S.C. 136w–1 and 136w–2, which together established a standard and procedure for according States the primary enforcement responsibility for pesticide use violations (primacy).

Section 26 provides three methods by which a State can obtain primacy. Section 26(a) requires a State to be accorded primacy if the Administrator finds that the State has (i) adopted adequate use laws, (ii) adopted adequate procedures for implementing those laws, and (iii) agreed to keep such records and make such reports as the Administrator may require by regulation. Section 26(b) allows a State to obtain primacy if the State has an approved Section 4 certification plan that meets the criteria set forth in Section 26(a), or if a State enters into a cooperative agreement for the enforcement of pesticide use restrictions under Section 23.

Section 27 authorizes the Administrator to override or rescind a grant of primacy in certain situations. Section 27(a) requires the Administrator to refer significant allegations of pesticide use violations to the States. If a State does not commence appropriate enforcement action within thirty days of such a referral, EPA may bring its own enforcement action.

Section 27(b) authorizes the Administrator to rescind the primary enforcement responsibility of a State if she finds that the State is not carrying out such responsibility. The Administrator initiates a rescission proceeding by notifying the State of those aspects of the State's pesticide use enforcement program which the Administrator has found to be inadequate. If the State does not correct the deficiencies in its program within ninety days, the Administrator may rescind the State's primary enforcement responsibility in whole or in part. EPA has promulgated procedures which govern the conduct of a proceeding to rescind State primacy. These procedures, published on May 11, 1981 (46 FR 26058) can be found in 40 CFR Part 173.

Section 27(c) authorizes the Administrator to take immediate action to abate an emergency situation where the State is unable or unwilling to respond to the crisis.

As is evident from the above description, several of the operative terms in Sections 26 and 27 require further definition. This rule will clarify such words as "adequate" and "appropriate" which FIFRA sets forth as the criteria for most of the decisions which will be made under these two sections. The Rule will also provide operational substance to the criteria used by EPA for primacy-related decisionmaking, and will ensure that such decisionmaking is consistent by limiting, although not eliminating, Agency discretion in the primacy area.

Specifically, this Rule will address the following issues:

—Procedures EPA will follow when referring allegations of pesticide use violations to the States and tracking State response to these referrals (Part I, Subpart A).

—The meaning of "appropriate enforcement action" (Part I, Subpart B).

—Clarification of when a State will be deemed to have (1) adopted adequate pesticide use laws and regulations, and (2) implemented adequate procedures for the enforcement of such laws and regulations (Part II).

—The criteria the Administrator will use to determine whether a State is adequately carrying out its primary enforcement responsibility for pesticide use violations (Part III).

—The factors which constitute an emergency situation, and the circumstances which require EPA to defer to the State for a response to the crisis (Part IV).

Compliance With the Regulatory Flexibility Act

I hereby certify that this rule, when promulgated, will not have a significant economic impact on small entities. The rule only affects State Pesticide control agencies, which are not small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Compliance With 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. This regulation is not Major since it is interpretive in nature and does not contain new substantive requirements. Thus the regulation:

(1) Does not have an annual effect on the economy of $100 million or more;

(2) Will not substantially increase costs to consumers, industry, or government; and

(3) Will not have a significant adverse effect on competition, employment, investment, productivity, or innovation.

On June 23, 1981, this regulation was forwarded to the Office of Management and Budget for review as required by Executive Order 12291. After OMB commented on the regulation on September 14, 1981, EPA redrafted the document and resubmitted it to OMB. Comments from OMB to EPA on the earlier draft are available for public inspection at:

Room 3220M, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

(Sec. 25(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act).

Dated: April 9, 1982.

Anne M. Gorsuch,

Administrator.

Proposed Interpretive Rule

PART I—SECTION 27(a): APPROPRIATE ENFORCEMENT ACTION

Subpart A—Procedures Governing Referrals

(1) *Generally:* Section 27(a) requires EPA to refer to the States any information it receives indicating a significant violation of pesticide use laws. If a State has not commenced appropriate enforcement action within thirty days, EPA may act on the information.

Given current resource limitations, EPA is not in a position to monitor State responses to every allegation of pesticide misuse referred by the Agency. Rather, the Agency will focus its oversight activities on evaluating the overall success of State pesticide enforcement programs, and will track, on a case-by-case basis, only those allegations involving particularly serious violations. Such "priority" allegations will be formally referred to the States, while other, less serious complaints will be forwarded to the States for information purposes only.

(2) *Criteria for Priority cases.* To define "priority" areas, the Regions, in consultation with each State, will first identify those general pesticide activities which present the greatest potential for harm to health or the environment. Within these general areas, the Regions and the States will then establish specific use-related priorities, (e.g., the application of a pesticide by a certain method to a particular crop), which will trigger the formal referral procedures described below. The selection of priority referral areas will depend primarily on the results of pesticide enforcement program audits conducted by the States and the Regions. The priority referral areas will be be revised on an annual basis based upon the effectiveness of the program in reducing the harm associated with pesticide use.

Priority area cases which do not involve "significant" use violations, (*see* section 27(a)), will not be formally referred and tracked. If a complaint received by EPA alleges a minor infraction which clearly presents little or no danger to health or the environment, or if the information contains patently spurious allegations, such as those from sources which have repeatedly proved unreliable, the matter will be forwarded to the State for information purposes only.

(3) *The 30-day time period.* The Agency interprets the term "commence appropriate enforcement action" in Section 27(a) to require States to initiate a judicial or administrative action in the nature of an enforcement proceeding, if one is warranted. Starting an investigation of the matter would not be sufficient. If the State does not commence an appropriate administrative, civil, or criminal enforcement response, EPA would then be permitted, athought not required, to bring its own enforcement action.

Although Section 27(a) permits EPA to act if the State has not commenced an enforcement action within 30 days, the Agency recognizes that States may not be able to complete their investigation of many formal referrals in so short a time. The time needed to investigate a possible use violation will vary widely, depending upon the nature of the referral. A referral which simply conveys an unsubstantiated allegation will usually require more investigation than a referral which partially or fully documents a pesticide use violation. Consequently, the Agency wishes to develop a flexible approach towards the tracking of referrals.

To accomplish this objective, EPA proposes adopting a system in which the referral process is broken down into two stages: investigation and prosecution.

(4) *The investigation stage.* Following the formal written referral of an allegation of a significant pesticide use violation, the appropriate Regional pesticide official will contact the State to learn the results of the investigation and the State's intended enforcement response to the violation. If the State has not conducted an adequate investigation of the alleged violation, the Region may choose to pursue its own investigation or enforcement action after notice to the State. As a general rule, however, the Regional office will attempt to correct any deficiencies in the investigation through informal communication with the State.

An investigation will be considered adequate if the State has (1) followed proper sampling and other evidence-gathering techniques, (2) responded expeditiously to the referral, so that evidence is preserved to the extent possible, and (3) documented all inculpatory or exculpatory events or information.

(5) *The prosecution stage.* After completion of the investigation, the State will have 30 days, the prosecution stage, to commence the enforcement action, if one is warranted. An appropriate enforcement response may consist of required training in proper pesticide use, issuance of a warning letter, assessment of an administrative civil penalty, referral of the case to a pesticide control board or State's Attorney for action, or other similar enforcement remedy available under State law. The 30 day period may be extended when necessitated by the procedural characteristics of a State's regulatory structure (see Hypothetical Number 1, Appendix A).

If, after consultation with the State, EPA determines that the State's intended enforcement response to the violation is inappropriate (*See* Subpart B), EPA may bring its own action after notice to the State. Regional attorneys will not, however, initiate an enforcement proceeding sooner than 30 days after the matter was referred to the State.

At times a State may find that the particular enforcement remedy it views as the appropriate response to a use violation is not available under the State's pesticide control laws. Therefore the State may, at any time, request EPA to act upon a violation utilizing remedies available under FIFRA. In these instances, of course, EPA will immediately pursue its own action, if one is warranted.

To better illustrate the proposed referrals system, two hypothetical situations are described in Appendix A.

Subpart B—Appropriate Enforcement Action

(1) *Generally.* After the Agency learns of the enforcement action, if any, the State proposes to bring against the violator, the EPA Regional pesticide office will consider, in consultation with the State, whether the proposed action is "appropriate", relative to the remedies available to the State under its pesticide control legislation. EPA interprets the modifier "appropriate" in Section 27(a) of FIFRA to require that the severity of the proposed enforcement action correlates to the gravity of the violation.

It is not possible in this Interpretive Rule to prescribe the specific enforcement action which will constitute an appropriate response to a particular violation. There are too many variables which will influence the treatment of a use violation, including the disparity between the types of enforcement remedies available under the various State pesticide control statutes. This document can, however, establish criteria to be employed in evaluating the appropriateness of a proposed State enforcement action. More detailed guidance on evaluating relative gravity is contained in EPA's *Guidelines for the Assessment of Civil Penalties,* 39 FR 27711, July 31, 1974 (due to be revised in near future. The *Guidelines* establish dollar amounts to be applied under the federal statute to use violations in civil penalty proceedings. Regional personnel can use these figures as a guide in evaluating the gravity of a particular violation. The Agency will not require that a State response to a violation have a monetary impact equivalent to that of a civil penalty which EPA would impose under the *Guidelines.* Rather, the dollar amounts contained in the penalty matrices can be used by Regional personnel to define the relative gravity of a violation by comparing the figures applicable to different violations.

(2) *Gravity of the Violation.* The Agency believes that the gravity of a pesticide use violation is dependent upon the risk the violation poses to human health and the environment. The factors which determine the degree of risk presented by a use violation can be divided into two categories: factors related to the particular *action* which constituted the violation and factors related to the *pesticide* involved in the incident.

(a) *Risk associated with the violative action.* The circumstances surrounding the violative action partially determine the risk the violation presents to human health or the environment. To assess the degree of such risk, State and Regional personnel should ask such questions as:

(i) Did the violation occur in a highly populated area, or near residences, schools, churches, shopping centers, public parks or public roads, so that health was endangered?

(ii) Did the violation occur near an environmentally sensitive area, such as a lake or stream which provides drinking water to the surrounding community, a wildlife sanctuary, a commercial fishery, or other natural areas?

(iii) Did a structural application threaten to contaminate food or food service equipment?

(iv) Did the violation have the potential to affect a large or a small area?

(v) What was the actual harm which resulted from the violation?

(vi) Was the nature of the violation such that serious consequences were likely to result?

This last question is designed to take into account the variation in the inherent risk associated with different categories of use violations. For example, a drift violation resulting from improper aerial application generally presents a greater risk of harm than a storage violation, since the latter infraction does not necessarily involve the improper exposure of the pesticide to the environment.

(b) *Risk associated with the pesticide.* The factors which will be crucial in evaluating the risk associated with the pesticide itself include:

(i) The *acute toxicity* of the pesticide or pesticides involved in the incident. The toxicity of a pesticide will be indicated by the "human hazard signal word" on the labels (see 40 CFR 162.10). "Danger" or "Poison" are indicators of a highly toxic pesticide, while "Warning" and "Caution" signify successively less toxic substances.

(ii) The *chronic effects* associated with the pesticide, if known.

(iii) The *amount* of the pesticide involved in the incident, relative to the manner of application (e.g., aerial versus structural).

(iv) Other data concerning the harm a pesticide may cause to human health or the environment, such as data concerning persistence or residue capability.

An analysis of the interrelationship between these two categories of risk factors should yield a notion of the relative gravity of the violation and the severity of the action which should be taken in response.

(3) *Category of applicator, size of business, and history of prior violation.* Gravity, however, is not the only factor which EPA will take into account in evaluating the propriety of an enforcement action. Section 14 of FIFRA requires that distinctions in the severity of an enforcement response be made between the categories of persons who commit use violations. The intent of Congress, as expressed in Section 14, is that commercial pesticide applicators who violate use requirements will be subject to more stringent penalties than other persons who violate use restrictions. Congress also envisioned that the size of the violator's business will be a factor in determining the severity of the penalty. In addition, Section 14 distinguishes between violators who have committed previous infractions and those who are first offenders. Thus, the issuance of a warning letter by a State to a person or firm who has been repeatedly warned in the past about a certain violation would not generally be considered an appropriate response to the violation.

(4) *Knowing violations; Criminal penalties.* The state of mind of the violator is another important consideration. In extreme circumstances where the civil penalty remedy is inappropriate, it is the Agency's policy to pursue a criminal action against persons who knowingly violate a provision of FIFRA. EPA generally finds a criminal prosecution warranted for those violations which involve a death or serious bodily injury or in which the violator has demonstrated a reckless or wanton disregard for human safety, environmental values or the terms of the statutue. To be appropriate, a State's response to a knowing violation under the circumstances indicated above must be similarly severe.

(5) *Deterrence.* It should be noted that the appropriateness of an enforcement action is a dynamic, rather than a static concept. Because it is dynamic, penalties must be periodically evaluated. If a certain violation is occurring more frequently, the leniency of the remedies which have been applied to this infraction in the past should be questioned. Consequently, what is appropriate in one year may be viewed as an inadquate response in the next.

The factors described above, together with the aforementioned *Guidelines,* should help to clarify the Agency's definition of "appropriate enforcement action." To better understand how the criteria described above can be used to

evalutate whether a proposed State enforcement action is appropriate, the reader is referred to the hypothetical fact situations in Appendix B.

Part II—Section 26: Criteria Governing Grants of Primacy

Section 26 of FIFRA sets forth the general criteria which apply to EPA's decision whether to grant primacy to a State:

(a) For the purposes of this Act a State shall have primary enforcement responsibility for pesticide use violations during any period for which the Administrator determines that such State—

(1) Has adopted adequate pesticide use laws and regulations; *Provided*, That the Administrator may not require a State to have pesticide use laws that are more stringent than this Act;

(2) Has adopted and is implementing adequate procedures for the enforcement of such State laws and regulations; and

(3) Will keep such records and make such reports showing compliance with paragraphs (1) and (2) of this subsection as the Administrator may require by regulation.

(b) Notwithstanding the provisions of subsection (a) of this Section, any State that enters into a cooperative agreement with the Administrator under Section 23 of this Act for the enforcement of pesticide use restrictions shall have the primary enforcement responsibility for pesticide use violations. Any State that has a plan approved by the Administrator in accordance with the requirements of Section 4 of this Act that the Administrator determines meets the criteria set out in subsection (a) of this section shall have the primary enforcement responsibility for pesticide use violations * * *

Thus, a State may obtain primacy in two ways: (1) By demonstrating that the elements of its use enforcement program, or of its approved certification program, satisfy the two main criteria in Section 26(a), (adequate laws and adequate procedures implementing those laws), or (2) by entering into a cooperative agreement for the enforcement of use restrictions, provided the terms of the agreement do not specify otherwise. The Agency will also evaluate the adequacy of a State's use enforcement program before conferring primacy by this letter method.

Subpart A—Adequate Laws and Regulations

To be considered adequate, a State's pesticide control legislation must address at least the following areas:

(1) *Use restrictions.* State pesticide control legislation will be considered adequate for purposes of assuming full primacy if State law prohibits those acts which are proscribed under FIFRA and which relate to pesticide use. The activities presently proscribed under FIFRA include:

(a) Use of a registered pesticide in a manner inconsistent with its label (FIFRA Section 12(a)(2)(G);

(b) Use of a pesticide which is under an experimental use permit contrary to the provisions of the permit (Section 12(a)(2)(H));

(c) Use of a pesticide in tests on humans contrary to the provisions of Section 12(a)(2)(P); and

(d) Violation of the provision in Section 3(d)(1)(c) requiring pesticides to be applied for any restricted use only by or under the direct supervision of a certified applicator.

Violations of suspension or cancellation orders are not considered use violations for purpose of the primacy program.

States may be granted partial primacy if they regulate less than all categories of use violations. For example, EPA may in the future decide to issue "other regulatory restrictions" on use under Section 3(d)(1)(C)(ii), (such as a requirement to notify area residents before pesticide spraying). If such a restriction were issued, (and not reflected on pesticide product labels), States would automatically have partial primacy extending to all of the categories listed above which are proscribed by State law, until such time when the State obtains full primacy by enacting a prohibition tracking the Section 3(d)(1)(C)(ii) restriction, or unless the State already has authority to enforce such restrictions.

(2) *Authority to enter.* To effectively carry out their use enforcement responsibilities, State officials should be able to enter, through consent, warrant, or other authority, premises or facilities where pesticide use violations may occur. States should also have concomitant authority to take pesticide samples as part of the use inspection process.

(3) *Flexible remedies.* Finally, State legislation must provide for a sufficient diverse and flexible array of enforcement remedies. The State should be able to select from among the available alternatives an enforcement remedy that is particularly suited to the gravity of the violation. Without such flexibility, a State may frequently be forced to underpenalize violators, and thereby fail to significantly deter future use of violations. Thus, in order to satisfy the "adequate laws" criterion, States should demonstrate that they are able to:

—Issue Warning Letters or Notices of Noncompliance;
—Pursue administrator or civil actions resulting in an adverse economic impact upon the violator, e.g., license or certification suspensions or civil penalty assessments; and
—Pursue criminal sanctions knowing violations.

Subpart B—Adequate Procedures for Enforcing the Laws

In order to obtain primacy, States must not only demonstrate adequate regulatory authority, but must also show that they have adopted procedures procedures to implement the authority. These procedures must facilitate the quick and effective prevention, discovery, and prosecution of pesticide use violations.

(1) *Training.* One step towards this objective is the training of enforcement personnel. At a minimum, States, in cooperation with EPA, should implement procedures to train inspection personnel in such areas as violation discovery, obtaining consent, preservation of evidence, and sampling procedures. Enforcement personnel should be adequately versed in case development procedures and the maintenance of proper case files.

Instruction in these techniques should take the form of both on-the-job training and the use of prepared training materials. The Agency also considers a continuing education program to be crucial training procedure, so that enforcement personnel can be kept abreast of legal developments and technological advances.

(2) *Sampling techniques and laboratory capability.* Requests for primacy should also show that the State is technologically capable of conducting a use enforcement program. States must have ready access to the equipment necessary to perform sampling and laboratory analysis, and should implement a quality assurance program to train laboratory personnel and protect the integrity of analytical data. Laboratories conducting sample analyses must also agree to participate in EPA (NEIC) Check Sample programs which are designed to ensure minimum standard of analytical capability. (Such a program is already operational for formulation samples, and will soon be available for residue samples). The EPA will be guided in evaluating the adequacy of State analytical procedures by official compilations of approved analytical methods, such as FDA's Pesticide Analytical Manual, the CIPAC (Collaborative International Pesticides Analytical Council) Handbook, the EPA Manual of Chemcial Methods for Pesticides, and Official Analytical Chemists Analytical Procedures. For additional guidance on adequate sampling techniques, States should consult Chapter 12 of EPA's Office of Enforcement FIFRA Inspectors Manual.

(3) *Processing complaints.* Since a significant portion of pesticide use

violations are identified through reports from outside EPA or the State lead agency, the State must implement a system for quickly processing and reacting to complaints or other information indicating a violation. An adequate referral system should contain:

(a) A method for funneling complaints to a central organizational unit for review;

(b) A logging system to record the receipt of the complaint and to track the stages of the follow-up investigation;

(c) A mechanism for referring the complaint to the appropriate investigative personnel;

(d) A system for allowing a rapid determination of the status of the case; and

(e) A procedure for notifying citizens of the ultimate disposition of their complaints.

(4) *Compliance monitoring and enforcement.* Along with the above described enforcement procedures, States must provide assurance that sufficient manpower and financial resources are available to conduct a compliance monitoring program, i.e., either planned or responsive use inspections. In addition, States must implement procedures to expeditiously pursue enforcement actions against violators identified through compliance monitoring activities.

The Agency also believes that program planning and the establishment of enforcement priorities is an integral part of an adequate enforcement program. Such planning, taking into account the national program priorities as manifested through the grant negotiation process, as well as the priorities specific to the individual State, will help assure that compliance monitoring and enforcement resources are properly allocated.

(5) *Education.* Finally, States should implement a program to inform their constituencies of applicable pesticide use restrictions and responsibilities. Examples of education methods include disseminating compliance information through cooperatative extension services, seminars, publications similar to the **Federal Register**, newspapers, and public assistance offices where persons can call to ask questions or report violations. Such an educational program will promote voluntary compliance and is essential to effective enforcement. States should also develop procedures for soliciting input from the public regarding the administration of the pesticide use enforcement program.

Part III—Criteria Governing Rescission of Primacy Under Section 27(b)

Section 27(b) authorizes the Administrator to rescind primacy from a State in certain situtations:

"Whenever the Administrator determines that a State having primary enforcement responsibility for pesticide use violations is not carrying out (or cannot carry out due to the lack of adequate legal authority) such responsibility, the Administrator shall notify the State. Such notice shall specify those aspects of the administration of the State program that are determined to be inadequate. The State shall have ninety days after receipt of the notice to correct any deficiencies. If, after that time, the Administrator determines that the State program remains inadequate, the Administrator may rescind, in whole or in part, the State's primary enforcement responsibility for pesticide use violations."

In deciding whether a State is not carrying out, or cannot carry out, it use enforcement responsibilities, the Administrator will apply the criteria for an adequate program set forth in Part II to the performance of the State during the time the State had primacy.

Subpart A—Adequate Laws

The legal authority to conduct an adequate use enforcement program is a criterion which affects both the decision to grant primacy and the decision to rescind it. Within the context of rescission, the Administrator will assess the impact of any amendments or supplements to the State's pesticide use laws and regulations. If legislative changes have adversely affected the State's ability to collect information or bring enforcement actions, the State may be subject to a rescission action on the grounds of inadequate laws.

Subpart B—Adequate Procedures

In determining whether a State which has adequate legal tools is carrying out its use enforcement obligations, the Agency will examine the efficacy of the procedures adopted by the State to implement its pesticide laws. The Agency will be particularly interested in the remedies the State has actually applied to the various use violations. The lack of sufficient correlation between the gravity of a use violation and the severity of the enforcement response would be evidence that the State's arsenal of remedies is not being applied in a flexible manner.

In addition, EPA will evaluate each program element listed in Part II, Subpart B, in light of the performance of the State during the period the State had primary use enforcement responsibility.

(1) *Training.* The Administrator will not whether any difficulties encountered by the State in enforcing pesticide use restrictions have resulted from a lack of adequate training of State enforcement personnel.

(2) *Sampling techniques and laboratory capability.* The Administrator will consider whether the State's sampling techniques and analytical capabilities are enhancing or hindering the State's ability to successfully unearth and prosecute persons who misuse pesticides. Another important consideration will be the degree to which State laboratory and sampling procedures have kept pace with developments in analytical technology.

(3) *Processing complaints.* The Administrator will examine whether complaints have been processed quickly and efficiently. The degree to which citizens alleging a use violation seek redress from EPA after first directing their complaints to the State will be considered. In addition, the Administrator will take into account the performance of the State in responding to allegations referred to the State by EPA under Section 27(a) of FIFRA.

(4) *Compliance monitoring and enforcement.* Under this element, the Administrator will compare the State's level of compliance monitoring activities with that of other comparable States. The EPA will review State case files to determine whether the State has aggressively investigated a case before deciding on the disposition of the matter. The EPA will also investigate whether a State's Attorney General's office or other prosecutorial authorities have demonstrated a willingness to pursue cases referred by the State's pesticide control lead agency.

The Agency will examine whether State enforcement resources have been directed towards the more significant enforcement problem areas, and whether enforcement priorities have been reevaluated as the demands of an adequate program change over time.

(5) *Education.* The Administrator will evaluate whether the State's education program is encouraging voluntary compliance with pesticide use restrictions. As part of this process, the Administrator will note those use violations which are at least partially attributable to the violator's lack of familiarity with applicable laws and regulations. The Administrator will also review State procedures for facilitating public participation into the enforcement program.

These criteria are indices of the adequacy of a State's use enforcement program, but they do not conclusively determine whether a State is discharging its primacy responsibilities. Since the Agency's goal is to protect the public from the risks associated with pesticides, one of EPA's central inquiries will be whether the State's primacy program assures compliance with

pesticide use restrictions. EPA, in evaluating State program adequacy, will consider both the deficiencies of the program and the success of the program in achieving compliance.

Part IV—Section 27(c) Emergency Response

Notwithstanding other provisions of sections 26 and 27, the Administrator may, after notification to the State, take immediate action to abate emergency situations if the State is "unwilling or unable adequately to respond to the emergency".

FIFRA does not define "emergency conditions." Other EPA-administered statutes, however, characterize emergencies in fairly consistent terms. The consensus of these statutes is that an emergency presents a risk of harm to human health or the environment that is both serious and imminent, and that requires immediate abatement action. Examples of use-related emergency situations are: (1) Contamination of a building by a highly toxic pesticide; (2) Hospitalizations, deaths, or other severe health effects resulting from use of a pesticide; and (3) A geographically specific pattern of use or misuse which presents unreasonable risk of adverse effects to health or sensitive natural areas. This situation may occur, for example, if a hazardous pesticide is consistently misused in a particular area so that the net effect is the creation of substantial endangerment to the environment, such as runoff into a water supply.

Subpart A—"Unwilling"

When EPA learns of an emergency situation, Agency representatives must notify the affected State. These representatives will try to obtain a commitment from the State as to (a) what the State is capable of doing in response to the situation, and (b) when the State intends to respond to the crisis.

Emergencies, by nature, require the quickest possible response. In most cases, due to proximity, the State will have the opportunity to be first on the scene. If the State manifests an unwillingness to rapidly respond to the situation, or if the State cannot give assurances that it will respond more quickly than EPA could respond, Agency emergency response teams will be activated.

Subpart B—"Unable"

The EPA will immediately take action to abate an emergency if the State is unable to do so. The Agency interprets "unable" to mean that either the State does not have the *authority* to adequately respond or that the State is *incapable* of solving the problem due to the lack of technology or resources.

(1) *Authority.* The EPA can utilize its authority in section 16(c) of FIFRA to seek, in conjunction with the Department of Justice, a district court order preventing or restraining misuse of a pesticide. States should also be able to address a use-related emergency in this manner or by the rapid issuance of an enforceable stop-use order or other similar means. If the State lacks this authority and the emergency conditions warrant a legal response in the nature of specific enforcement or equitable relief, EPA may initiate its own action after notice to the State.

(2) *Technical capability.* Some emergency situations may present problems which the States are technologically incapable of solving. In these instances, if EPA possesses the requisite technology or equipment, the Agency will immediately respond to the crisis. For example, where a dissolved organic pesticide has contaminated a surface water system, EPA would activate its portable advanced waste treatment unit, a resource that is not generally available to the States.

The EPA will also take action if the State cannot rapidly commit the necessary manpower to the emergency situation. In most cases EPA will not, however, initiate a response on this basis if the State has developed an emergency response plan detailing the procedures to be followed in counteracting a pesticide emergency.

Appendix A

In reading the hypotheticals in Appendices A and B, assume that the cases discussed fall under priority referral areas (*see* Part I. A. (2)).

Hypothetical 1. EPA refers to the State a citizen's allegation that an aerial applicator has allowed pesticides to drift over his property. After 25 days, the EPA Region obtains the results of State's investigation and learns that the State plans to issue a warning letter to the applicator. The EPA advocates a more firm response and, after discussion, the State agrees to suspend the applicator's certification. The State certification board does not meet, however, until two months later. In this instance, the Region may decide to extend the normal 30 day prosecution stage to accommodate the schedule of the board.

Hypothetical 2. A citizen calls EPA with information concerning a fish kill which occurred in a stream near his residence. The citizen claims that he reported his information to the State, but State officials have not responded to his complaint. The EPA's Regional official calls the State, and learns that the State did indeed know of the problem, but has not yet had the opportunity to investigate the allegation. The Regional official, believing the allegation to be significant, formally refers the complaint to the State, and the State agrees that the matter should be investigated within 20 days. After 20 days, the Region learns that the State has not yet begun its investigation.

In this case, the Region will begin its own inquiry into the matter, and may commence its own enforcement action, after notice to the State, provided that 30 days have elapsed from the date ot the referral).

Appendix B

In both of these hypotheticals, assume that the State has chosen a Warning Letter as the appropriate enforcement response.

Hypothetical 1. Mr. Smith operates a one-man crop dusting company. Smith is hired to spray Herbicide A over a power company's lengthy right-of-way. The right-of-way is bounded on one side by a residential development and on the other by a wooded area. Smith performs the aerial application amidst high swirling winds in contravention of the instructions on the herbicide's label. A significant portion of the herbicide drifts onto the wooded area. Herbicide A, which contains the hazard word "danger" on its label, is a highly toxic and persistent restricted use pesticide. Smith has no record of prior pesticide-related violations with government pesticide control offices.

The Agency would consider the issuance of a warning letter to be an inappropriate response to this violation.

Risk Associated with the violative action. Fortunately in this instance, the herbicide did not result in damage to humans or sensitive environmental areas. But at the time the violation was committed, the risk that harm would result from the misuse was quite significant, given the high swirling winds and the proximity of a residential neighborhood. Only chance prevented the herbicide from drifting into an inhabited area. The risk of harm was also increased by the fact that a great deal of land was subject to drift given the length of the target area.

Risk Associated with the pesticide. Herbicide A is labelled "danger" and is therefore an acutely toxic Category I pesticide under 40 CFR 162.10. The harm that would result from exposure to this persistent substance is substantial, regardless of whether chronic effects or residue properties have been ascribed to it. In addition, a large amount of

herbicide A was involved in the violation.

Other factors. Smith is a commerical applicator under FIFRA and would be subject to the maximum penalty. As a mitigating factor, however, Smith could point to the absence of prior FIFRA violations.

In summary, since Smith's actions were highly likely to result in serious harm to human health, his drift violation warrants a severe enforcement response, such as assessing a fine or suspending his certification. Despite Smith's clean record, a warning letter would not be deemed "appropriate enforcement action."

Hypothetical 2. A small food processing firm which markets frozen TV dinners utilizes company maintenance personnel to accomplish its pest control needs. No particular training is provided for such employees but they are instructed to read and follow the label directions. They are provided all appropriate application equipment and protective clothing. A company employee applied a non-persistent general-use (Category IV) pesticide which was registered for structural pest control to combat a particularly serious cockroach infestation. Despite label instructions requiring the user to avoid contaminating food, food containers, or cooking utensils, the employee applied the pesticide directly upon and below counter tops and related surfaces in the room where food cooking racks are stored. The application took place late Friday afternoon. The cooking racks were not utilized again until Monday morning. An inspection took place on Monday morning. This was the third pesticide use inspection which the State had conducted at the firm in the last four years. None of the prior inspections had revealed a pesticide-related violation. Residue samples taken Monday morning revealed no trace residue of the pesticide on the treated surfaces.

Since the violation constitutes a first offense by an "other person" under section 14(a)(2) of FIFRA, the maximum federal enforcement response would be a Notice of Warning. Accordingly, the Warning Letter issued by the State would constitute an appropriate enforcement action.

Risk Associated with the violative action. The direct application of any pesticide to a cooking rack in a food processing establishment poses some risk of exposure to humans. Although the pesticide used in this case was not applied in great amounts or over large areas, the inherent risk associated with the violation is relatively high, since violation results in the introduction of the pesticide into non-target surfaces with the likelihood of human exposure.

Risk Associated with the pesticide. In this instance, the risk associated with the pesticide itself are relatively small. This Category IV pesticide is not acutely toxic or persistent, and is not known to cause any chronic effects. Sample analysis revealed no trace of the product at the time the exposed cooking racks were to be used.

Other factors. Under FIFRA, the issuance of a Notice of Warning is the maximum enforcement response to a use violation committed by a private applicator with no history of prior violations. Thus, the Agency would, of course, view the proposed State enforcement action as appropriate. If the violation was repeated, a more stringent enforcement action would be warranted.

[FR Doc. 82-10639 Filed 4-19-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[A-9-FRL-2066-4]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Guam

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: In today's notice, EPA is proposing to revise the sulfur oxides (SO_x) attainment status designation for certain portions of Guam. The SO_x designation is proposed to be changed from nonattainment to attainment for all of Guam except the Piti and Tanguisson Power Plant areas. The designation for the Piti and Tanguisson areas is proposed to remain nonattainment for SO_x. The proposed change is at the request of the Guam Environmental Protection Agency and pursuant to provisions of the Clean Air Act. EPA invites public comment on the proposed redesignations.

DATE: Comments will be considered if submitted on or before May 20, 1982.

ADDRESSES: Comments should be directed to: Douglas Grano, Air programs Branch (A-2-3), Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

EPA's Technical Support Document for the proposed redesignation is available for public inspection during normal business hours at the EPA Region 9 Office cited above and at the following locations:

Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460

Guam Environmental Protection Agency, Harmon Plaza, Agana, Guam 96910

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Telephone: (415) 974-8222.

SUPPLEMENTARY INFORMATION:

Backgound

On March 3, 1978, under section 107(d)(2) of the Clean Air Act, EPA promulgated attainment status designations for all states (43 FR 8962). The entire island of Guam was designated nonattainment for SO_x due to measured ambient air quality violations. Under Paragraph 107(d)(5) of the Clean Air Act a state may revise its designations of attainment status and submit them to EPA for consideration and promulgation.

On April 9, 1981, the Guam Environmental Protection Agency (GEPA) requested that Guam's designation for SO_x be changed as follows: (1) The Tanguisson Power Plant area be redesignated to unclassifiable; (2) the Piti Power Plant area remain nonattainment; and (3) the remainder of the island be redesignated to attainment.

Proposed Actions

EPA has reviewed the designations requested by Guam and has determined that they should be approved, except with respect to the Tanguisson area. As discussed in detail in EPA's Technical Support Document, the Tanguisson area must remain designated nonattainment, since both monitoring and modeling data have shown violations of the SO_x standard as a result of the power plant emissions. This action is consistent with the EPA policy which allows nonattainment areas to be as small as possible as long as they encompass all areas expected to be experiencing ambient air quality violations and all sources which are believed to have a significant impact upon the expected violations.

The proposed boundaries for the two nonattainment areas are:

In the Piti Power Plant area: A line encompassing the area within a 3½ kilometer radius of the radius of the stack serving Unit 3 of the Piti Power Plant.

In the Tanguisson Power Plant area: A line encompassing the area within a 3½ kilometer radius of the point halfway between the two stacks serving the Tanguisson Power Plant.

If the area outside the two boundaries described above is redesignated to attainment as proposed, the Part D

requirements of the Clean Air Act would not longer apply for SO_x in those areas.

Under Executive Order 12291, EPA must judge whether a rulemaking action is "major." Further, under the Regulatory Flexibility Act, EPA must assess the affect of the rulemaking action on "small entities." The action is not "major" because it approves States and local actions and imposes no new requirements. I hereby certify that the action will not have a significant economic impact on a substantial number of small entities. This proposal was submitted to the Office of Management and Budget for review, as required by Executive Order 12291.

List of Subjects in 40 CFR Part 52.

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

(Secs. 107(d) and 301(a), Clean Air Act, as amended, 42 U.S.C. 7407(d) and 7601(a))

Dated: February 25, 1982.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 82-10638 Filed 4-19-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 86

[AMS-FRL-2108-1]

Mazda and Ford; NO_x Emissions Waiver Application; Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing.

SUMMARY: This notice announces that EPA has received applications from Toyo Kogyo Co., Ltd. (Mazda) and Ford Motor Company (Ford) for waiver of the 1981 to 1984 model year oxides of nitrogen (NO_x) emission standard applicable to light-duty diesel-powered vehicles. EPA is scheduling a public hearing to consider these and any other timely requests for a waiver of the NO_x standard.

DATES: EPA has scheduled a public hearing on April 28, 1982, beginning at 9:00 a.m., to consider Mazda's and Ford's and any other applications for waiver of the NO_x standard received by April 26, 1982. Parties desiring to testify should notify the Manufacturers Operations Division, as noted below, not later than April 26, 1982. Interested parties should submit any relevant written comments by April 30, 1982, to ensure that the Administrator can consider these comments in deciding on the applications. If no party testifies at the hearing, EPA will consider the waiver requests based on written submissions to the record.

ADDRESSES: The hearing will be held at the Manufacturers Operations Division Conference Room, 499 South Capitol Street, SW., 3rd floor, Washington, D.C. Parties planning to testify at the hearing should notify Mr. Michael Chernekoff, as noted below. Manufacturers submitting applications, or parties submitting written comments, should direct their submissions to the Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. All public portions of applications and other relevant information will be available for public inspection between 8 a.m. and 4 p.m., Monday through Friday, at U.S. Environmental Protection Agency, Central Docket Section (A-130), Gallery I, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460 (Docket No. EN-82-03).

FOR FURTHER INFORMATION CONTACT: Mr. Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382-2521.

SUPPLEMENTARY INFORMATION: Section 202(b)(6)(B) of the Act, 42 U.S.C. 7521(b)(6)(B) (1977), allows any manufacturer to petition the Administrator of EPA for waiver of the 1981-1984 model year NO_x standard of 1.0 gram per vehicle mile (g/mi). The Administrator, after notice and opportunity for public hearing, may waive the standard for any class or category of light-duty vehicles manufactured during the four model year period, beginning in model year 1981, up to a maximum level of 1.5 g/mi, if the manufacturer can show that the waiver is necessary to permit diesel engine technology to be used on the subject vehicles. The waiver may be granted if the Administrator determines:

(i) That the waiver will not endanger public health;

(ii) That the waiver will result in significant fuel savings at least equal to the fuel economy standard applicable in each year under the Energy Policy and Conservation Act; and

(iii) That the technology has a potential for long-term air quality benefit and has the potential to meet or exceed the average fuel economy standard applicable under the Energy Policy and Conservation Act at the expiration of the waiver.

EPA published guidelines for diesel NO_x waiver applications in the **Federal Register** at 43 FR 30341 (July 14, 1978), in order to apprise manufacturers of the information then deemed necessary to demonstrate that a waiver should be granted. EPA subsequently published a notice in the **Federal Register** at 46 FR 20705 (April 7, 1981), also announcing procedures for submitting NO_x waiver applications covering model years 1981-1984.

EPA has received an application from Mazda for waiver of the 1984 model year NO_x standard for its new 4-cylinder "TX1" diesel engine family. Ford, which is purchasing this Mazda engine family and intends to use it in its 1984 model year vehicles, has also submitted an application for waiver of the 1984 model year NO_x standard for this engine family which Ford also designates TX1.

Hearing Procedures

The hearing will provide an opportunity for interested persons to state their views or arguments, or to provide pertinent information concerning the waiver request at issue. Any party desiring to make an oral statement at the hearing should notify Michael Chernekoff of EPA's Manufacturers Operations Division as listed above no later than April 26, 1982. The procedures for the hearing will be the same as those EPA has employed in previous diesel NOx waiver hearings.[1]

Presentations by the participants at the hearing and interested parties who make written submissions or file applications should address the considerations listed in previous NOx waiver hearing notices[2] and in the **Federal Register** notice that announced consolidated proceedings to consider NOx waiver applications for the 1981-1984 model years.[3]

Interested parties should submit written information to the record by April 30, 1982, to ensure its consideration by the Administrator in formulating waiver decisions. At the hearing, the Agency will make a verbatim record of any testimony. The Administrator will base determinations with regard to manufacturers' waiver requests on the record of the public hearing and on any other relevent written materials. This information will be available for public inspection at the EPA Central Docket Section in docket EN-82-03. Interested parties may obtain copies of documents in the public docket as provided in 40 CFR Part 2.

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[1] *See* 45 FR 27788 (April 24, 1980).

[2] *See* e.g., 45 FR 73790 (November 6, 1980).

[3] 46 FR 20705 (April 7, 1981).

Dated: April 15, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 82-10850 Filed 4-19-82; 8:45am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3130

Procedures for Leasing of Oil and Gas in the National Petroleum Reserve; Alaska; Amendment to the National Petroleum Reserve—Alaska Oil and Gas Leasing Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would amend the regulations in 43 CFR Part 3130 to provide procedures for consolidation of leases in the National Petroleum Reserve—Alaska into a single lease, not larger than 60,000 acres in size, in accordance with the Department of the Interior Appropriations Act, Fiscal Year 1981.

DATE: Comments should be received by May 20, 1982.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 G 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: Marcia Rohn, (202) 343-7753.

SUPPLEMENTARY INFORMATION: The proposed rulemaking would fully implement the provisions in the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514) which authorize an oil and gas leasing program in the National Petroleum Reserve—Alaska. The Act, however, does not contain any provisions allowing formation of units or extension of leases by shut-in wells capable of production or production from another lease in a unit. Specifically, proviso 8 of the Act provides "each lease shall be issued for an initial period of up to ten years, and shall be extended for so long thereafter as oil and gas is being produced from the lease in paying quantities, or as drilling or reworking operations, as approved by the Secretary, are conducted thereon." The Act, therefore, requires production, not a well capable of production, nor production from another lease.

However, to allow full flexibility and to enhance industry operations to the fullest extent allowed by the Act, lessees may agree to allocate and share production costs and income under consolidation plan concepts.

The proposed rulemaking would amend the existing regulations to allow the consolidation of leases into a single lease, not larger than 60,000 acres. Imposition of the 60,000 acre limitation is consistent with proviso 7 of the Act which states "the size of lease tracts may be up to sixty thousands acres, as determined by the Secretary." Allowing the consolidation of leases into a single lease would partially resolve the problems of lease extensions under the limitations of proviso 8 of the Act. The specific provision for lease consolidation was inadvertently omitted from the existing regulations that were published in the **Federal Register** on November 9, 1981 (46 FR 55494), and would be added at this time to enhance the potential for exploration, development and production of oil and gas resources in the National Petroleum Reserve—Alaska by those who win competitive leases.

The principal author of this proposed rulemaking is Marcia E. Rohn, Division of Onshore Energy Resources, Bureau of Land Management, 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 effect 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 this proposed amendment to 43 CFR Part 3130 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.

PART 3130—OIL AND GAS LEASING—NATIONAL PETROLEUM RESERVE—ALASKA

Under the authority of the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514) it is proposed to amend Part 3130, Group 3100, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations as set forth below:

1. The title to subpart 3135 is revised to read:

Subpart 3135—Assignments, Transfers and Extensions

2. Subpart 3135 is amended by adding a new § 3135.1-6 to read:

§ 3135.1-6 Consolidation of leases.

(a) Leases may be consolidated upon written request of the lessee filed with the State Director Alaska, Bureau of Land Mangement. The request shall indentify each lease involved by serial number and shall explain the factors which justify the consolidation.

(b) Consolidation of leases may be approved by the State Director, Alaska if it is detemined that the consolidation is justified. Leases to different lessees for different terms, rental and royalty rates or those containing provisions of law which cannot be reconciled shall not ordinarily be considered for consolidation.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

February 24, 1982.

[FR Doc. 82-10847 Filed 4-19-82; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-193; RM-4043]

FM Broadcast Station in Hope, Arkansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign FM Channel 269A to Hope, Arkansas, in response to a petition filed by Freddie Riley. The assignment could provide Hope with a second FM service.

DATES: Comments must be filed on or before May 24, 1982, and reply comments must be filed on or before June 8, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Hope, Arkansas), BC Docket No. 82–193, RM–4043.

Notice of Proposed Rulemaking

Adopted: April 2, 1982.

Released: April 9, 1982.

1. A petition for rule making was filed by Freddie Riley ("petitioner"), seeking the allocation of FM Channel 269A to Hope, Arkansas, as the community's second assignment. Petitioner failed to specify that he will apply for the channel, if assigned, and should make such a commitment in supporting comments.

2. Hope (population 10,290),[1] the seat of Hempstead County (population 23,635), is located approximately 160 kilometers (100 miles) southwest of Little Rock, Arkansas. It is presently served by full-time AM Station KXAR and FM Station KHPA (Channel 285A).

3. Petitioner states that Hope has its own government unit, municipal services, health-care facilities, schools, financial institutions, hostelries, churches, and civic and social organizations. Additionally, petitioner asserts that Hope is well-served by common carriers and is accessible via Interstate, U.S. and State Highways. Petitioner states that the economic base of the community is derived from agriculture, tourism and numerous industries supplying such diversified products as building materials, auto parts and communications equipment. Petitioner claims that Hope is the financial and trade center of Hempstead County, stating that the Chamber of Commerce reports its retail sales volume in excess of $46,000,000.00 annually.

4. Petitioner did not submit a preclusion study for the proposed assignment herein. This information is required for requests to assign a second FM channel. See "Policy Statement to Govern Requests for Additional Assignments", 8 F.C.C. 2d 79 (1967). Petitioner should provide a list of all precluded communities containing a population in excess of 1,000 persons, which would sustain preclusion as a result of the proposed assignment, and a list of alternate channels for all such precluded communities without local service. This information should be supplied in its supporting comments.

5. In order to give further consideration to the request, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Hope, Ark.	285A	269A, 285A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix below before a channel will be assigned.

7. Interested parties may file comments on or before May 24, 1982, and reply comments on or before June 8, 1982, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's rules. 46 FR 11549, published February 9, 1981.

9. for further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.402(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comment and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four

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

copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 32-10795 Filed 4-19-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-194; RM-3998 and RM-4027]

FM Broadcast Station Monterey, Byrdstown, and Lebanon, Tennessee; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 296A to either Monterey, Tennessee, or Byrdstown, Tennessee, as its first commercial FM channel in response to requests from R. Gene Cravens (RM-3998) and from Robert Gallaher, Drew Huffines, and Edward M. Johnson (RM-4027).

DATES: Comments must be filed on or before May 24, 1982, and reply comments on or before June 8, 1982.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Monterey, Byrdstown, and Lebanon, Tennessee), BC Docket No. 82-194, RM-3998, RM-4027.

Notice of Proposed Rule Making and Order to Show Cause

Adopted: April 2, 1982.

Released: April 9, 1982.

1. The Commission has before it two conflicting petitions for the assignment of FM Channel 296A. One petition, filed by R. Gene Cravens, proposes that it be assigned to Monterey, Tennessee,[1] and the other, filed by Robert W. Gallaher, Drew Huffines, and Edward M. Johnson, requests Byrdstown, Tennessee, as the city of assignment. The distance between the cities is approximately 30 miles. A separation of 65 miles is required. Accordingly, only one of the proposals could be adopted. In order to make possible either assignment, Channel 297, Lebanon, Tennessee, would have to be switched to Channel 298 and the license for Station WUSW modified to specify operation on the new channel.

2. Monterey (population 2,610)[2] is located in Putnam County (population 47,601), approximately 136 kilometers (85 miles) east of Nashville. The population figures are said to represent an increase of 9.4% and 32.0%, respectively, from the 1970 U.S. Census figures. The primary local industry is garment manufacturing. Monterey is described as a thriving, distinct community without local broadcast service and of sufficient size to warrant the FM assignment as proposed.

3. Byrdstown (population 884) is the seat of Pickett County (population 4,358) and is located near the Tennessee-Kentucky border, approximately 128 kilometers (80 miles) northwest of Knoxville, Tennessee. Gallaher states that Pickett County had approximately 1,660 households as of 1980, consumer spendable income of $18,938,000 and spendable income per household of $11,408 as of 1979. Byrdstown and Pickett County have no local broadcast service. Gallaher urges that Byrdstown has a clear and justifiable need for its first FM assignment. The assignment of Channel 296A to Byrdstown would require a 2.5 mile southwest site restriction due to the operation of FM Station WCTT on Channel 296A at Corbin, Kentucky.

4. Byrdstown, receives 60 dBu FM service from Stations WDEB, Jamestown, Tennessee, and WANY, Albany, Kentucky. Monterey receives 60 dBu FM service from Stations WPTN and WHUB in Cookeville, Tennessee. Both communities have a number of AM stations within 20 miles.

5. In order to assign Channel 296A to either community, it would be necessary to substitute Channel 298 for 297 in Lebanon, Tennessee. A separation of 105 miles is required between FM Station WUSW, which operates on Channel 297, and either Byrdstown or Monterey. The distance from Station WUSW to Byrdstown is approximately 80 miles, and to Monterey, approximately 66 miles. If Station WUSW were to operate on Channel 298, the required separation would be 65 miles. Both proposals would meet that requirement.

6. Station WUSW is presently short-spaced approximately 59 miles to Station WQLT, which operates on Channel 297 in Florence, Alabama (actual separation is 121 miles, whereas 180 miles is required). With Station WUSW operating on Channel 298, the short-spacing would be reduced from 59 to 29 miles (required separaton would be 150 miles). The area of interference between Stations WUSW and WQLT would, thus, be reduced.

7. We have no indication as to the willingness of Station WUSW to switch frequencies to specify operation on Channel 298. We have attached an "Order to Show Cause" for that purpose. Our general policy is to require the prevailing petitioner to indicate that it would reimburse the expenses involved in changing frequencies for the Lebanon station. Both petitioners should indicate their willingness to do so or provide arguments on this matter.

8. As for the comparative factors, Byrdstown and Monterey are on equal terms as to the extent of local broadcast service. Monterey has a larger population (2,610 to 884) than Byrdstown. Both cities appear to receive the same amount of broadcast service from nearby stations. However, showings as to AM service could provide a different picture. Thus, we tentatively favor the assignment of Channel 296A to Monterey based on its larger population. However, we shall provide the Byrdstown proponents an opportunity to demonstrate that Brydstown should receive the channel assignment. See, e.g., "La Grange, Indiana, et. al." (Docket 81-61), 47 F.R. 2868, published January 20, 1982.

9. In view of the foregoing, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Option I:		
Monterey, Tennessee		296A
Lebanon, Tennessee	297	298
or		
Option II:		
Byrdstown, Tennessee		296A
Lebanon, Tennessee	297	298

10. It is ordered, that pursuant to § 316(a) of the Communications Act of 1934, as amended, Station WUSW, Lebanon, Tennessee, shall show cause why its license should not be modified

[1] Public Notice of the petition was given on November 2, 1981, Report No. 1317.

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

to specify operation on Channel 298 as proposed herein instead of the present Channel 297.

11. Pursuant to § 1.87 of the Commission's rules, the licensee of Station WUSW may, not later than May 24, 1982, request that a hearing be held on the proposed modification. If the right to request a hearing is waived, Station WUSW may, not later than May 24, 1982, file a written statement showing with particularity why its license should not be modified as proposed in the "Order to Show Cause." In this case, the Commission may call on the licensee of Station WUSW to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an Order modifying the license as provided in the "Order to Show Cause." If the right to request a hearing is waived and no written statement is filed by the date referred to above, the licensee of Station WUSW will be deemed to have consented to the modification "Order to Show Cause" and a final Order will be issued by the Commission, if the above-mentioned channel modification is ultimately found to be in the public interest.

12. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix below before a channel will be assigned.

13. Interested parties may file comments on or before May 24, 1982, and reply comments on or before June 8, 1982, and are advised to read the Appendix below for the proper procedures.

14. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

15. It is further ordered, that the Secretary of the Commission shall send a copy of this Notice by Certified Mail, Return Receipt Requested, to Triplett Broadcast of Tennessee, P.O. Box 549, Lebanon, Tennessee, 37087, the party to whom the "Order to Show Cause" is directed.

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

However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-10794 Filed 4-19-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 91

Migratory Bird Hunting and Conservation Stamp Contest

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of contest.

SUMMARY: The Service announces the 1982 "Duck Stamp Contest" and proposes several changes in the annual Migratory Bird Hunting and Conservation Stamp Contest regulations. The Changes in the regulations would improve clarity so the public can better comprehend requirements, thereby improving administration of the contest and judging process. A $20.00 entry fee has been determined necessary to recover administrative costs for conducting the contest.

DATE: Comments on the proposed changes must be received on or before May 20, 1982.

ADDRESS: Comments should be addressed to Duck Stamp Contest, Fish

and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Anastasi, Duck Stamp Contest, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343–5508.

SUPPLEMENTARY INFORMATION: The annual Migratory Bird Hunting and Conservation Stamp Contest is held by the Fish and Wildlife Service to select a design for the following year's Migratory Bird Hunting and Conservation Stamp, popularly known as the Duck Stamp. The Service accepts entries between July 1 and October 1 each year, and holds the contest on or before November 10.

Discussion of Proposed Changes

To recover costs and make the contest more manageable, the Service proposes the following changes:

1. *Section 91.2.* Eliminate typographical error and delete "United States" before Fish and Wildlife Service to reflect the official title of the Service. Eliminate Service and Department definitions in paragraph two, since these terms are already defined in 50 CFR 1.3. Eliminate "Secretary" in last sentence, since that is defined in 50 CFR 1.8.

2. *Section 91.11.* This revision would simplify text and tell how to request entry regulations, reproduction agreement, and it would provide deadlines.

3. *Section 91.12.* Define eligibility rules for participating in the contest, indicate ineligible period for previous contest winners, and provide for a new non-refundable entry fee for persons submitting a design. This amendment states that a non-refundable entry fee of $20.00 is required when submitting a design to the contest. Authority to establish entry fee is provided by the so-called User Charge Statute, 31 U.S.C. 483a.

4. *Section 91.13.* Specify correct sizes for a design, the mat, and how to mount the mat. Failure to comply with the requirements could make the entry ineligible for judging.

5. *Section 91.14.* Identify that only the family *Anatidae* is acceptable for portrayal on entries. This change will aid the entrant in submitting the correct species and assist in processing the entry. Also, the text would be revised to remove confusion that formerly existed concerning the term "living species;" it would require that the dominant feature must be a portrayal of a living bird which is also a non-extinct species of the family *Anatidae.*

6. *Section 91.16.* Include provision that contestants may submit only one entry accompanied by a non-refundable entry fee and Reproduction Rights Agreement. A complete revision would be made to eliminate redundant text and provide entrants with a clearer concept and understanding of entry procedures. This revision will be beneficial to the entrants who submit a design and the Service in the overall processing procedure.

7. *Section 91.21.* Expand the specifications that judges be recognized experts in the fields of ornithology, conservation, and/or art, to include waterfowling. This section provides a broader range of expertise in selecting judges.

8. *Section 91.31.* Revise text to make it clear that entries will be returned after the contest by certified mail.

Announcement of the 1982 Contest

This year's contest will be held on Thursday, November 4, 1982, beginning at 9 a.m., in the Department of the Interior Auditorium, 18th and C Streets NW., Washington, D.C. If the number of entries warrants, preliminary screening will be held the preceding day. As eliminated by 50 CFR 91.14, the following species will not qualify as the dominant feature for the 1982 "Duck Stamp Contest" because they have been used within the past 5 years:

Hooded merganser
Green-winged teal
Mallard
Ruddy duck
Canvasback

The primary author of this proposal is Peter A. Anastasi, Duck Stamp Contest, Office of Public Affairs.

Note.—The Department has determined that this is not a major rule under Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities, under the Regulatory Flexibility Act.

List of Subjects in 50 CFR Part 91

Wildlife

PART 91—MIGRATORY BIRD HUNTING AND CONSERVATION STAMP CONTEST

Accordingly, the Service proposes to amend 50 CFR Part 91 as shown below.

Authority: 5 U.S.C. 301, 31 U.S.C. 483a.

2. Revise § 91.2 in its entirety to read as follows:

§ 91.2 Definitions.

For the purpose of this part, the following terms shall be construed, respectively, to mean and to include:

"Contest Coordinator" means the contest official responsible for facilitating the judging process and tabulating the Judges' scores for each entry advanced into preliminary or final consideration. The contest coordinator will be named by the Secretary and will not be a past or present employee of the Fish and Wildlife Service.

"Qualifying entry" means each drawing or original work submitted in the contest which satisfies the technical requirements of design and submission procedures as outlined in Subpart B of this part.

"Reproduction rights agreement" means the agreement that each contestant must sign and submit which certifies the originality of the entry and acknowledges the entrant's acceptance of the terms and conditions governing the right of the Fish and Wildlife Service to use and reproduce the winning design for the purpose set forth in the agreement.

3. Revise § 91.11 in its entirety to read as follows:

§ 91.11 Contest deadlines.

The contest to select the design for the annual Federal Migratory Bird Hunting and Conservation Stamp will officially open on July 1 of each year. All persons intending to submit an entry in the contest may request a copy of the contest's regulations and Reproduction Rights Agreement by writing to "Migratory Bird Hunting and Conservation Stamp Contest," Fish and Wildlife Service, United States Department of the Interior, Washington, D.C. 20240. Entries accompanied by the non-refundable remittance required by 91.12 may be received any time after July 1, but must be received or postmarked no later than midnight of October 1.

4. A new sentence has been added to § 91.12 to read as follows:

§ 91.12 Contest eligibility.

* * * To be eligible, all entrants must submit a non-refundable fee of $20.00. Checks and money orders should be made payable to the Fish and Wildlife Service.

5. Revise § 91.13 in it's entirety to read as follows:

§ 91.13 Technical requirements for design and submission of entry.

The design must be a horizontal drawing or painting five inches high and seven inches wide. Each entry may be drawn in any medium desired by the contestant and may be in either multicolor or black and white. No scroll work, lettering, signature, or initials may appear on the design. Each entry must be matted, (over or under) with an eight inch by ten inch mat (color optional) and protected by a covering of acetate or

cellophane. Entries must not be framed or under glass.

6. Revise the first sentence of § 91.14 to read as follows:

§ 91.14 Restrictions of subject matter of entry.

A portrayal of live, non-extinct, North American migratory ducks, geese, or swans (Family Anatidae) must be the dominant feature of the design. * * *

7. Revise § 91.16 in its entirety to read as follows:

§ 91.16 Submission procedures for entry.

Contestants may submit only one entry. Each entry must be accompanied by a non-refundable entrance fee and a completed Reproduction Rights Agreement. The lower detachable portion of the contestant's Reproduction Rights Agreement must be completed and attached to the back of the entry. Each contestant must sign and clearly print his or her name, and submit the top portion of the Reproduction Rights Agreement. Each entry should be protectively wrapped and mailed first class registered to: "Migratory Bird Conservation Stamp Contest," Fish and Wildlife Service, United States Department of the Interior, Washington, D.C. 20240.

8. Revise § 91.21 in its entirety to read as follows:

§ 91.21 Selection and qualification of contest Judges.

Five Judges will be selected annually by the Secretary. The Judges will be recognized experts in the fields of ornithology, conservation, and/or art, to include waterfowling. Current employees of the Fish and Wildlife Service and their relatives are ineligible to serve as Judges for the contest. The Judges selected by the Secretary will serve without compensation, except for reasonable travel expenses. Identification of the members of the judging panel will be announced on the date that the judging takes place.

9. Revise § 91.31 in its entirety to read as follows:

§ 91.31 Return of entries after contest.

All entries will be returned by certified mail to the participating artists within 90 days of completion of the contest.

Dated: April 1, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-10745 Filed 4-19-82; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 47, No. 76
Tuesday, April 20, 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

Cooperative State Research Service

National Plant Genetic Resources Board

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Cooperative State Research Service announce the following meeting:

Name: National Plant Genetic Resources Board
Date: May 13–14, 1982
Time and place: 9:00 a.m. May 13—11:30 a.m. May 14, Room 3109 South Building, U.S. Department of Agriculture.
Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.
Comments: The pubic may file written comments before or after the meeting with the contact person below.
Purpose: To review matters that pertain to plan germplasm in the United States and possible impacts on related National and international programs; and discuss other inititatives of the Board.
Contact person: C. O. Grogan, Executive Secretary, National Plant Genetic Resources Board, Cooperaive State Research Service, U.S. Department of Agriculture, Room 6440–S, USDA South Building, Washington, D.C. 20250, telephone (202) 447–6195.

Done at Washington, D.C. this 15th day of April 1982.

C. O. Grogan,

Executive Secretary, National Plant Genetic Resources Board.

[FR Doc. 82-10701 Filed 4-19-82; 8:45 am]

BILLING CODE 3410-22-M

Rural Electrification Administration

Associated Electric Cooperative, Inc.; Finding of No Significnt Impact

The Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact relating to the installation by Associated Electric Cooperative, Inc., of a new electrostatic precipitator for the existing Unit No. 1 at its Thomas Hill Power Plant. The new precipitator is needed to achieve compliance with the Missouri Air Conservation Commission standards for particulate emissions and opacity by July 1984. The plant site is located near Moberly in Randolph County, Missouri.

The environmental effects of the project were discussed in a Borrower's Environmental Report (BER). Based upon the BER and information from other sources, REA prepared an Environmental Assessment which concluded that the proposed project will not affect threatened and endangered species, important farmland, archaeological and historic sites, wetlands, floodplains or other environmental resources.

Various alternatives considered include no action (reduce capacity), modifications to the existing precipitator, and the instatallation of a new electrostatic precipitator or baghouse. REA has determined that the proposed installation of a new electrostatic precipitator is an acceptable alternative.

Copies of the Finding of No Significant Impact, the Environmental Assessment and the BER may be obtained from the office of the Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, or may be reviewed at the office of Associated Electric Cooperative, Inc., 2814 South Golden Street, P.O. Box 754, Springfield, Missouri 65801.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 9th day of April, 1982

Harold V. Hunter,

Administrator.

[FR Doc.82-10661 Filed 4-19-82; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Lake Waramaug State Park RC&D Measure, Connecticut; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Philip H. Christensen, State Conservationist Soil Conservation Service, Rt. 44A Mansfield Professional Park, Storrs, Connecticut 06268, telephone (203) 429–9361.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Phase 1, Lake Waramaug State Park Critical Area Treatment RC&D Measure, Litchfield County, Connecticut.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Philip H. Christensen, State Conservationist, has determined the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a two phased plan to protect lakefront shoreline. Phase 1 provides for stabilizing 2,500 feet of eroding shoreline, controling surface runoff and revegetating disturbed areas. Rock rip-rap will be used as a base below mean low water and cellular concrete blocks filled with topsoil will be used on the shoreline slopes. Local drainage problems will be controlled by pipes or shaped grass waterways utilizing stone lining where necessary. All disturbed areas will be seeded including the topsoil in the cellular blocks. The measure will be installed after Labor Day, to minimize conflicts with recreational uses.

The notice of finding of no significant impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the envvironmental assessment are on file and may be reviewed by contacting Philip H. Christensen. The Environmental Impact Appraisal has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the Environmental Impact Appraisal are

available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 20, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 12, 1982.

Philip H. Christensen,

State Conservationist.

[FR Doc. 82-10523 Filed 4-19-82; 8:45 am]

BILLING CODE 3410-16-M

Big Lost River Streambank Critical Area Treatment RC&D Measure, Idaho; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Amos I. Garrison, Jr., State Conservationist, Soil Conservation Service, Room 345, 304 North Eighth, Boise, Idaho 83702, telephone (208) 334-1601.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Service Guidelines (7 CFR Part 650): The Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Big Lost River Streambank Critical Area Treatment RC&D Measure, Custer County, Idaho.

The environmental assessment of this federally assisted action indicates that the project will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Amos I. Garrison, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

Big Lost River Streambank Critical Area Treatment RC&D Measure will control streambank erosion at 31 critically-eroding sites and prevent approximately 14,000 tons of sediment from being deposited into Big Lost River. The planned treatments which will be installed over a three-year period include: Critical area plantings, rock riprap, gabions, tree revetments and rock deflectors. The Big Lost River will not be deepened or widened in this action.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Amos I. Garrison, Jr. The FONSI has been sent to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the address on the first page.

Implementation of the proposal will not be initiated until May 20, 1982.

Dated: April 6, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Amos I. Garrison, Jr.,

State Conservationist.

[FR Doc. 82-10576 Filed 4-19-82; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Dockets 33362; 39083 and 39084]

Former Large Irregular Air Service Investigation; Applications of Michigan Penninsula Airways, Ltd., d.b.a. MPA Internationsl Airways; Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, (47 FR 11543 March 17, 1982) which was assigned to be held on April 22, 1982, at 9:30 a.m. (local time), in Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C., will be postponed until further notice.

Dated at Washington, D. C., April 14, 1982.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 82-10705 Filed 4-19-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Exporters' Textile Advisory Committee, which is comprised of 30 members involved in textile and apparel exporting, advises Department of Commerce officials concerning ways of increasing U.S. exports of textile and apparel products.

TIME AND PLACE: May 11, 1982 at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, NW.)

AGENDA: (1) Review of export data, (2) Report on conditions in the export market, (3) Recent foreign restrictions affecting textiles, (4) Other Business.

PUBLIC PARTICIPATION: A limited number of seats will be available to the public on a first come basis. The public may file written statements with the Committee before or after the meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, Tel: 202/377-3737.

Dated: April 15, 1982.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 82-10778 Filed 4-19-82; 8:45 am]

BILLING CODE 3510-25-M

Importers and Retailers' and Management-Labor Textile Advisory Committees; Public Meetings

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Secretary of Commerce established the Importers and Retailers' Textile Advisory Committee on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The Management-Labor Textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

TIME AND PLACE: May 5, 1982, at 10:30 a.m. for the Importers and Retailers' Textile Advisory Committee and 1:30 p.m. for the Management-Labor Textile Advisory Committee. The meetings will take place at the Main Commerce Building, Room 4830, 14th Street and

Constitution Avenue, N.W., Washington, D.C. 20230. (Public entrance to the building is on 14th Street between Constitution Avenue and E Streets, NW.).

AGENDA: (1) Review of import trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other business.

PUBLIC PARTICIPATION: The meetings will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after meetings. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

Dated: April 13, 1982.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 82-10777 Filed 4-19-82; 8:45 am]

BILLING CODE 3510-25-M

[Order No. 41-3]

Organization and Function Order; Assistant Secretary for International Economic Policy

Assistant Secretary For International Economic Policy; Organization and Function Order

[Order No. 41-3; D.O.O. Reference 10-3, 40-1]

Effective date: February 15, 1982.

Part I. Effect on Other Orders

This order supersedes ITA Organization and Function Order 41-3 of January 19, 1981, as amended (46 FR 19950, 46 FR 35328, 47 FR 7929).

Part II. Purpose, Scope, and Principal Organization

Section 1. Purpose. This order delegates authorities from the Assistant Secretary for International Economic Policy (the "Assistant Secretary") to the Deputy Assistant Secretaries for International Economic Policy, Europe, the Western Hemisphere, East Asia and the Pacific, and Africa, the Near East and South Asia and prescribes the internal organization and assignment of functions for all entities reporting to the Assistant Secretary.

Section 2. Organization and Line of Authority. .01 The internal organization structure and line of authority for functions prescribed in this order is depicted in the attached organization chart (Exhibit 1).[1] The Assistant Secretary reports and is responsibility to the Under Secretary for International Trade (the "Under Secretary").

.02 The country responsibilities of the International Economic Policy (IEP) organization are shown in Exhibit 2.[1]

Section 3. Principal Functions. .01 The Assistant Secretary carries out programs to promote world trade and to strengthen the international trade and investment position of the United States; examines and develops trade and investment policy recommendations which are bilateral, regional and multilateral in nature (in consultation with units of Trade Development where significant industry sector or product-specific issues are involved); represents the Department on such matters, as assigned; promotes U.S international economic objectives in particular countries and regions through supervision of the relevant program support activities of the Foreign Commercial Service posts overseas (through the regional Deputy Assistant Secretaries, and in coordination with the Direct General); manages bilateral joint commissions and other institutions; implements and monitors the results of the Multilateral Trade Negotiations; and coordinates ITA participation arising in the context of the General Agreement on Tariffs and Trade (GATT) and in international organizations such as the Organization for Economic Cooperation and Development (OECD), the United Nations (U.N.), the U.N. Conference on Trade and Development (UNCTAD), and others.

.02 The Assistant Secretary directs the activities of:

a. The Deputy Assistant Secretary for International Economic Policy;

b. The Deputy Assistant Secretary for Europe;

c. The Deputy Assistant Secretary for the Western Hemisphere;

d. The Deputy Assistant Secretary for East Asia and the Pacific; and

e. The Deputy Assistant Secretary for Africa, the Near East and South Asia.

Part III. Deputy Assistant Secretary for International Economic Policy

Section 1. Delegation of Authority. .01 Pursuant to the authority delegated to the Assistant Secretary by the Under Secretary, and subject ot such policies and directives as the Assistant Secretary may prescribe, the following authorities are hereby delegated to the Deputy Assistant Secretary for International Economic Policy (the "DAS"):

a. The Act of February 14, 1903, as amended (15 U.S.C. 1512 *et seq.;* 15 U.S.C. 171 *et seq.*), to foster, promote and develop the foreign and domestic commerce of the United States; and

b. Such portions of the Foreign Service Act of 1980 (22 U.S.C. 3901 *et seq.*) and such other laws the exercise of which are authorized to the Secretary under section 5(b)(2) of Reorganization Plan No. 3 of 1979 and by section 1-104 of Executive Order 12188 of January 2, 1980, as amended, as are necessary to carry out the responsibility to supervise the program activities of the Foreign Commercial Service.

.02 Except as otherwise provided, the DAS may redelgate the above authorities, subject to such conditions in the exercise of such authorities as he or she may prescribe.

Section 2. Office of the Deputy Assistant Secretary. .01 The *Deputy Assistant Secretary for International Economic Policy* serves as the principal deputy to the Assistant Secretary, performs such duties as the Assistant Secretary may assign, and assumes the duties of the Assistant Secretary during the latter's absence; develops positions on international economic and trade policy issues which are multilateral in nature (in consultation with Trade Development officials when significant sectoral issues are involved); develops positions on outward investment issues and functional trade policy issues which are not country or sector specific; and ensures effective cooperation by overseeing, with the Director General of the Commercial Services, the regional Deputy Assistant Secretaries in the supervision of the program activities of the Foreign Commercial Service.

.02 The DAS directs the following offices:

a. Office of Policy Coordination; and

b. Office of Multilateral Affairs.

Section 3. Office of Policy Coordination. The *Office of Policy Coordination* includes the *Director* who provides support to the Assistant Secretary and the DAS in ensuring policy and program consistency across the various units of IEP; manages International Economic Policy issues which are cross-cutting in nature; and develops uniform policies for supervising the program activities of the Foreign Commercial Service.

Section 4. Office of Multilateral Affairs. .01 The *Office of Multilateral Affairs* includes the *Director* who coordinates the development of ITA's positions on non-sectoral international trade and investment policy issues

[1] Filed as part of the original document.

which arise in a multilateral context, including the GATT, the OECD, the U.N., and other international organizations; as assigned, provides representation to these organizations and to interagency bodies working on multilateral non-sectoral issues; provides central secretariat services for ITA participation in these international organizations; implements the non-sectoral aspects of the Multilateral Trade Negotiations (MTN); and develops special studies related to the formulation of U.S. trade and investment policy within a multilateral context.

The Director directs the following divisions:

.02 The *GATT Affairs Division* coordinates the development of ITA's positions on non-sectoral international economic and trade policy issues which arise in the context of the GATT; implements the non-sectoral aspects of the Multilateral Trade Agreements, including the codes on product standards, government procurement, subsidies, dumping, customs valuation and import licensing; coordinates ITA efforts to resolve international trade disputes arising under these codes through the GATT mechanism; develops ITA positions on the expansion of existing agreements and the development of additional agreements of a non-sectoral nature, such as the proposed codes on counterfeiting and safeguards; similarly, prepares and reviews position papers for U.S. delegations to the GATT and for interagency meetings in preparation for GATT discussions; and prepares special studies related to the formulation of U.S. trade policy within the GATT framework, with particular emphasis on the reform of the multilateral system of rights and obligations on trade policy matters.

.03 The *International Organizations Division* formulates positions on non-sectoral international trade and investment issues under discussion in international organizations other than the GATT, such as the OECD, the U.N. and its specialized agencies, including UNCTAD; provides a central secretariat function for ITA participation in these organizations; coordinates IEP involvement with the Office of International Finance in the development of positions on multilateral questions arising in the context of such organizations as the World Bank and the International Monetary Fund; as assigned, prepares and reviews position papers for U.S. delegations to these organizations and for interagency meetings in preparation for international discussions; and prepares special studies related to the formulation of U.S. international trade and investment policy within the context of these international organizations.

Part IV. Deputy Assistant Secretary for Europe

Section 1. Delegation of Authority. .01 Pursuant to the authority delegated to the Assistant Secretary by the Under Secretary, and subject to such policies and directives as the Assistant Secretary may prescribe, the following authorities are hereby delegated to the Deputy Assistant Secretary for Europe (the "DAS").

a. The Act of February 14, 1903, as amended (15 U.S.C. 1512 *et seq.;* 15 U.S.C. 171 *et seq.*), to foster, promote and develop the foreign and domestic commerce of the United States; and

b. Such portions of the Foreign Service Act of 1980 (22 U.S.C. 3901 *et seq.*) and such other laws the exercise of which are authorized to the Secretary under section 5(b)(2) of Reorganization Plan No. 3 of 1979 and by section 1–104 of Executive Order 12188 of January 2, 1980, as amended, as are necessary to carry out the responsibility to supervise the program activities of the Foreign Commercial Service.

.02 Except as otherwise provided, the DAS may redelegate the above authorities, subject to such conditions in the exercise of such authorities as he or she may prescribe.

Section 2. Office of the Deputy Assistant Secretary. .01 The *Deputy Assistant Secretary for Europe* analyzes, develops and implements recommendations for international economic, trade, and investment policy strategies and objectives for European countries and the European Community; serves as the focal point within the Department for dealing with bilateral and regional economic, investment and commercial policy issues; formulates positions on economic and commercial policies affecting the region, including preparation for and representation at interagency and international meetings on bilateral and regional economic issues; monitors information on economic and commercial developments and maintains in-depth commercial and economic expertise on individual countries and the region; and supervises, through the PCAP and other mechanisms, the program support activities of the senior Foreign Commercial Service Officer in each European country and, jointly with the Director General, appraises their performance. The DAS and his or her country offices are the contact point for communications between ITA and the European FCS posts on country program issues.

.02 The DAS directs the following offices:

a. The Office of the European Community;

b. The Office of Non-EC Europe; and

c. The Office of USSR and Eastern Europe.

Section 3. Office of the European Community. .01 The *Office of the European Community* includes the *Director* who maintains knowledge of international economic, trade and investment issues affecting U.S. trading relationships with the European Community (EC) and the individual countries of the EC (see Exhibit 2); monitors, analyzes, and develops policy alternatives with respect to trade and commercial developments which affect the U.S. competitive position; assists in preparations for interagency and international meetings which relate to the EC and its countries; prepares briefing materials for Departmental officials for visits of officials from the EC or its countries; and oversees the program support activities of the senior FCS officer located in each EC country.

.02 The Director directs the following divisions:

a. West Europe Division;

b. Central Europe Division; and

c. European Community Policy Division.

.03 The West Europe and Central Europe Divisions are responsible for the individual countries in those areas.

.04 The European Community Policy Division is responsible for bilateral relations with the EC; and prepares for and, as directed, participates in U.S.–EC consultations, the TPSC Subcommittee on Western Europe, and other international and interagency discussions and on U.S.–EC issues.

Section 4. The Office of Non-EC Europe. The *Office of Non-EC Europe* includes the *Director* who maintains knowledge of international economic, trade and investment issues affecting U.S. trading relationships with Western European countries which do not belong to the European Community (see Exhibit 2); monitors, analyzes, and develops policy alternatives with respect to trade and commercial developments which affect the U.S. competitive position; assists in preparations for interagency and international meetings which relate to these countries; prepares briefing materials for Departmental officials for visits of officials from these countries; and oversees the program support activities of the senior FCS officer located in each country.

Section 5. The Office of USSR and Eastern Europe. .01 The *Office of USSR and Eastern Europe* includes the *Director* who maintains knowledge of international economic, trade and investment issues affecting U.S. trading relationships with the USSR and the countries of Eastern Europe (see Exhibit 2); monitors, analyzes, and develops policy alternatives with respect to trade and commercial developments which affect the U.S. competitive position; assists in preparations for interagency and international meetings which relate to the USSR and the Eastern European countries, including executive secretariat services to U.S. joint commissions with the USSR, Poland, Romania, and others as may be established; provides staff support for the operation of the Advisory Committee on East-West Trade; prepares briefing materials for Departmental officials for visits of officials from the USSR and the Eastern European countries; and oversees the program support activities of the senior FCS officer located in the USSR and each Eastern European country.

.02 The Director directs the following divisions, each of which is responsible for the country or countries within its area:

a. USSR Division; and

b. East Europe Division.

Part V. Deputy Assistant Secretary for the Western Hemisphere

Section 1. Delegation of Authority. .01 Pursuant to the authority delegated to the Assistant Secretary by the Under Secretary, and subject to such policies and directives as the Assistant Secretary may prescribe, the following authorities are hereby delegated to the Deputy Assistant Secretary for the Western Hemisphere (the "DAS"):

a. The Act of February 14, 1903, as amended (15 U.S.C. 1512 *et seq.;* 15 U.S.C. 171 *et seq.*), to foster, promote and develop the foreign and domestic commerce of the United States; and

b. Such portions of the Foreign Service Act of 1980 (22 U.S.C. 3901 *et seq.*) and such other laws the exercise of which are authorized to the Secretary under section 5(b)(2) of Reorganization Plan No. 3 of 1979 and by section 1–104 of Executive Order 12188 of January 2, 1980, as amended, as are necessary to carry out the responsibility to supervise the program activities of the Foreign Commercial Service.

.02 Except as otherwise provided, the DAS may redelegate the above authorities, subject to such conditions in the exercise of such authorities as he or she may prescribe.

Section 2. Office of the Deputy Assistant Secretary. .01 The *Deputy Assistant Secretary for the Western Hemisphere* analyzes, develops and implements recommendations for international economic, trade, and investment policy strategies and objectives for the Western Hemisphere and its countries; serves as the focal point within the Department for dealing with bilateral and regional economic, investment and commercial policy issues; formulates positions on economic and commercial policies affecting the region, including preparation for and representation at interagency and international meetings on bilateral and regional economic issues; monitors information on economic and commercial developments and maintains in-depth commercial and economic expertise on individual countries and the region; and supervises, through the PCAP and other mechanisms, the support activities of the senior Foreign Commercial Service officer in each country and, jointly with the Director General, appraises their performance. The DAS and his or her country offices are the contact point for communications between ITA and the Western Hemisphere FCS posts on country program issues.

.02 The DAS directs the following offices:

a. Office of North America;

b. Office of Central America; and

c. Office of South America.

Section 3. Office of North America. The *Office of North America* includes the *Director* who maintains knowledge of international economic, trade and investment issues affecting U.S. trading relationships with Canada and Puerto Rico; monitors, analyzes, and develops policy alternatives with respect to trade and commercial developments which affect the U.S. competitive position; assists in preparations for interagency and international meetings relating to Canada and Puerto Rico, including the TPSC Subcommittee on North America and the Puerto Rico Task Froce; prepares briefing materials for Departmental officials for visits of officials from Canada and Puerto Rico; and oversees the program support activities of the senior FCS officer located in Canada.

Section 4. Office of Central America. .01 The *Office of Central America* includes the *Director* who maintains knowledge of international economic, trade and investment issues affecting U.S. trading relationships with Central America and its countries (see Exhibit 2); monitors, analyzes, and develops policy alternatives with respect to trade and commercial developments which affect the U.S. competitive position; assists in preparations for interagency and international meetings which relate to these countries, including the Caribbean Basin Initiative, the Caribbean Development Plan Working Group and the U.S.-Mexican Joint Commission on Commerce and Trade; prepares briefing materials for Departmental officials for visits of officials from these countries; and oversees the program support activities of the senior FCS officer located in each country.

.02 The Director directs the following divisions, each of which is responsible for the country or countries within its area:

a. Mexico Division; and

b. Caribbean Division.

Section 5. The Office of South America. .01 The *Office of South America* includes the *Director* who maintains knowledge of international economic, trade and investment issues affecting U.S. trading relationships with South America and its countries (see Exhibit 2); monitors, analyzes and develops policy alternatives with respect to trade and commercial developments which affect the U.S. competitive position; assists in preparations for interagency and international meetings which relate to these countries; prepares briefing materials for Departmental officials for visits of officials from these countries, and oversees the program support activities of the senior FCS officer located in each country.

.02 The Director directs the following divisions each of which is responsible for the countries within its area:

a. Andean Division; and

b. Brazil/River Plate Division.

Part VI. Deputy Assistant Secretary for East Asia and the Pacific

Section 1. Delegation of Authority. .01 Pursuant to the authority delegated to the Assistant Secretary by the Under Secretary, and subject to such policies and directives as the Assistant Secretary may prescribe, the following authorities are hereby delegated to the Deputy Assistant Secretary for East Asia and the Pacific (the "DAS"):

a. The Act of February 14, 1903, as amended (15 U.S.C. 1512 *et seq.*; 15 U.S.C. 171 *et seq.*), to foster, promote and develop the foreign and domestic commerce of the United States; and

b. Such portions of the Foreign Service Act of 1980 (22 U.S.C. 3901 *et seq.*) and such other laws and exercise of which are authorized to the Secretary under section 5(b)(2) of Reorganization Plan No. 3 of 1979 and by section 1–104 of

Executive Order 12188 of January 2, 1980, as amended, as are necessary to carry out the responsibility to supervise program activities of the Foreign Commercial Service.

.02 Except as otherwise provided, the DAS may redelegate the above authorities, subject to such conditions in the exercise of such authorities as he or she may prescribe.

Section 2. Office of the Deputy Assistant Secretary. .01 The *Deputy Assistant Secretary for East Asia and the Pacific* analyzes, develops and implements recommendations for international economic, trade, and investment policy strategies and objectives for East Asia and the Pacific and its countries; serves as the focal point within the Department for dealing with bilateral and regional economic, investment and commercial policy issues; formulates positions on economic and commercial policies affecting the region, including preparation for and representation at interagency and international meetings on bilateral and regional economic issues; monitors information on economic and commercial developments and maintains in-depth commercial and economic expertise on individual countries and the region; and supervises, through the PCAP and other mechanisms, the program support activities of the senior Foreign Commercial Service officer in each country and, jointly with the Director General, appraises their performance. The DAS and his or her country offices are the contact point for communications between ITA and the East Asia and Pacific FCS posts on country program issues.

.02 The DAS directs the following offices:

a. Office of the PRC and Hong Kong;

b. Office of Japan; and

c. Office of the Pacific Basin.

Section 3. The Office of the PRC and Hong Kong. The *Office of the PRC and Hong Kong* includes the *Director* who maintains knowledge of international economic, trade and investment issues affecting U.S. trading relationships with the countries identified in Exhibit 2; monitors, analyzes, and develops policy alternatives with respect to trade and commercial developments which affect the U.S. competitive position; assists in preparations for interagency and international meetings which relate to these countries, including the U.S.-PRC Joint Commission on Commerce and Trade; prepares briefing materials for Departmental officials for visits of officials from these countries; and oversees the program support activities of the senior FCS officer located in each country.

Section 4. The Office of Japan. .01 The *Office of Japan* includes the *Director* who maintains knowledge of international economic, trade and investment issues affecting U.S. trading relationships with Japan; monitors, analyzes, and develops policy alternatives with respect to trade and commercial developments which affect the U.S. competitive position; assists in preparations for interagency and international meetings which relate to Japan, including the TPSC Subcommittee on Japan; provides support to the Joint U.S.-Japan Trade Facilitation Committee; prepares briefing materials for Departmental officials for visits of officials from Japan; and oversees the program support activities of the senior FCS officer in Japan. The Director directs the following divisions:

.02 The *Policy Division* provides support to the Joint United States-Japan Trade Facilitation Committee; identifies, evaluates and makes recommendations for the resolution of specific complaints with official and private Japanese economic and commercial practices encountered by U.S. companies in initiating or expanding their sales to Japan; documents and prepares such cases for submission to the Committee; follows up on the Committee's handling of cases after submission; and supports/recommends other activities of the Committee.

.03 The *Market Analysis Division* maintains knowledge of international economic, trade and investment issues affecting U.S. trading relationships with Japan; monitors, analyzes, and develops policy alternatives with respect to trade and commercial developments which affect the U.S. competitive position; assists in preparations for interagency and international meetings which relate to Japan, except for those relating to the Trade Facilitation Committee; prepares briefing materials for Departmental officials for visits of Japanese officials; and provides geographic oversight, though the Office Director, of the senior FCS officer in Japan.

Section 5. The Office of the Pacific Basin. .01 The *Office of the Pacific Basin* includes the *Director* who maintains knowledge of international economic, trade and investment issues affecting U.S. trading relationships with the Pacific Basin, its countries and regional groupings (see Exhibit 2); monitors, analyzes, and develops policy alternatives with respect to trade and commercial developments which affect the U.S. competitive position; assists in preparations for interagency and international meetings which relate to these countries; prepares briefing materials for Departmental officials for visits of officials from these countries; and oversees the program support activities of the senior FCS officer located in each country.

.02 The Director directs the following divisions, each of which is responsible for the countries within its area:

a. ASEAN Division, and

b. Oceania, Korea and Taiwan Division.

.03 The *ASEAN Division* is responsible for bilateral trade and commercial relationships with the Association of Southeast Asian Nations (ASEAN) in addition to its individual countries.

Part VII. Deputy Assistant Secretary for Africa, the Near east and South Asia

Section 1. Delegation of Authority. .01 Pursuant to the authority delegated to the Assistant Secretary by the Under Secretary, and subject to such policies and directives as the Assistant Secretary may prescribe, the following authorities are hereby delegated to the Deputy Assistant Secretary for Africa, the Near East and South Asia (the "DAS"):

a. The Act of February 14, 1903, as amended (15 U.S.C. 1512 *et seq.*); 15 U.S.C. 171 *et seq.*), to foster, promote and develop the foreign and domestic commerce of the United States; and

b. Such portions of the Foreign Service Act of 1980 (22 U.S.C. 3901 *et seq.*) and such other laws the exercise of which are authorized to the Secretary under section 5(b)(2) of Reorganization Plan No. 3 of 1979 and by section 1–104 of Executive Order 12188 of January 2, 1980, as amended, as are necessary to carry out the responsibilities to supervise the program activities of the Foreign Commercial Service.

.02 Except as otherwise provided, the DAS may redelegate the above authorities, subject to such conditions in the exercise of such authorities as he or she may prescribe.

Section 2. Office of the Deputy Assistant Secretary. .01 The *Deputy Assistant Secretary for Africa, the Near East and South Asia* analyzes, develops and implements recommendations for international economic, trade and investment policy strategies and objectives for Africa, the Near East and South Asia and its countries; serves as the focal point within the Department for dealing with bilateral and regional economic, investment and commercial policy issues; formulates positions on economic and commercial policies affecting the region, including preparation for and representation at

interagency and international meetings on bilateral and regional economic issues; monitors information on economic and commercial developments and maintains in-depth commercial and economic expertise on individual countries and the region; and supervises, through the PCAP and other mechanisms, the program support activities of the senior Foreign Commercial Service Officer in each country and, jointly with the Director General, appraises their performance. The DAS and his or her country offices are the contact point for communications between ITA and the Africa, Near East and South Asian FCS posts on country program issues.

.02 The DAS directs the following offices:

a. Office of Africa;

b. Office of the Near East; and

c. Office of South Asia.

Section 3. The Office of Africa. .01 The *Office of Africa* includes the *Director* who maintains knowledge of international economic, trade and investment issues affecting U.S. trading relationships with Africa and the sub-Saharan African countries (see Exhibit 2); monitors, analyzes and develops policy alternatives with respect to trade and commercial developments which affect the U.S. competitive position; assists in preparation for interagency and international meetings which relate to these countries; prepares briefing materials for Departmental officials for visits of officials from these countries; and oversees the program support activities of the senior FCS officer located in each country.

.02 The Director directs the following divisions, each of which is responsible for the countries in its area:

a. East/West Africa Division; and

b. Central/Southern Africa Division.

Section 4. The Office of the Near East. .01 The *Office of the Near East* includes the *Director* who maintains knowledge of international economic, trade and investment issues affecting U.S. trading relationships with the Near East and the Near Eastern countries (see Exhibit 2); monitors, analyzes, and develops policy alternatives with respect to trade and commercial developments which affect the U.S. competitive position; assists in preparation for interagency and international meetings which relate to these countries; prepares briefing materials for Departmental officials for visits of officials from these countries; and oversees the program support activities of the senior FCS officer located in each country.

.02 The Director directs the following divisions, each of which is responsible for the countries in its area:

a. North Africa, Israel and Iran Division; and

b. Arab States Division.

Section 5. The Office of South Asia. The *Office of South Asia* includes the *Director* who maintains knowledge of international economic, trade and investment issues affecting U.S. trading relationships with South Asia and the South Asian countries (see Exhibit 2); monitors, analyzes, and develops policy alternatives with respect to trade and commercial developments which affect the U.S. competitive position; assists in preparations for interagency and international meetings which relate to these countries; prepares briefing materials for Departmental officials for visits of officials from these countries; and oversees the program support activities of the senior FCS officer located in each country.

Part VIII. Administration, Public Affairs, and Program Support

Management analysis, automated data processing, budget, personnel, public affairs, and administrative support services will be provided by offices reporting to the Director of Administration. Field support will be provided by the U.S. Commercial Service or Foreign Commercial Service, as appropriate.

Raymond J. Waldmann,

Assistant Secretary for International Economic Policy.

Approved:

Lionel H. Olmer,

Under Secretary for International Trade.

[FR Doc. 82-10670 Filed 4-19-82; 8:45 am]

BILLING CODE 3510-25-M

Piher Semiconductores, S.A.; Order Amending Temporary Denial of Export Privileges

In the matter of: Piher Semiconductores, S.A., Avda San Julian, s/n, Apartado Correos 177, Granallers (Barcelona), Spain.

By Order of February 25, 1982, 47 FR 9044 (March 3, 1982) (the "Order"), the above named respondent was temporarily denied, pursuant to § 388.19 of the Export Administration Regulations (15 CFR Part 368, *et seq.* (1981)) (the "Regulations"), all privileges of participating in any manner or capacity in the export of U.S.-origin commodities or technical data. Paragraph III of the Order, consistent with § 387.12(c) of the regulations, extended that denial of export privileges to business organizations owned by or affiliated with the respondent, including the following business organizations:

Piher Electronic, S.A.
Albala 12
Madrid 17, Spain

Piher Electronic, S.A.
Albala 11
Madrid 17, Spain

The Department of Commerce (the "Department") has now stated that newly available evidence suggests that the above business organizations constitute a single business organization, with its name spelled Piher Electronica, S.A., that uses both the above addresses. The Department states further that this newly available evidence suggests that Piher Electronica, S.A. is significantly independent of the respondent, in that Piher Electronica, S.A. is largely owned and controlled by entities that are in turn owned by the Government of Spain. Consequently, the Department has moved for an amendment of the Order to except Piher Electronica, S.A. from the provisions of Paragraph III.

Based on the showing made by the Department, I find that the requested motion is justified, and that granting it will not jeopardize the purpose of the Order.

Accordingly, it is hereby ordered that the Order of February 25, 1982 is amended by excepting, from the provisions of Paragraph III, the following business organization:

Piher Electronica, S.A., with addresses at:
Albala 12
Madrid 17, Spain; and
Albala 11
Madrid 17, Spain

The export privileges of Piher Electronica, S.A. are thereby restored.

This Amendment of the Order is effective immediately.

Dated: April 8, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-10657 Filed 4-19-82; 8:45 am]

BILLING CODE 3510-25-M

Piher Semiconductores, S.A.; Order Amending Temporary Denial of Export Privileges

In the matter of: Piher Semiconductores, S.A., Avda San Julian, s/n, Apartado Correos 177, Granallers (Barcelona), Spain.

By Order of February 25, 1982, 47 FR 9044 (March 3, 1982) (the "Order"), the above named respondent was temporarily denied, pursuant to § 388.19 of the Export Administration Regulations (15 CFR Part 368, *et seq.*

(1981)) (the "Regulations"), all privileges of participating in any manner or capacity in the export of U.S.-origin commodities or technical data. Paragraph III of the Order, consistent with § 387.12(c) of the regulations, extended that denial of export privileges to business organizations owned by or affiliated with the respondent, including the following business organizations:

Piher International Corp.
505 W. Golf Road
Arlington Heights, Illinois 60005

Piher International Corp.
Post Office Box 91969
Chicago, Illinois 60680

Piher International Corp., stating that it is a single U.S. corporation that uses both of the above addresses, but that the W. Golf Road number is 565 and not 505, has now filed two motions to amend the Order. First, Piher International Corp. has moved to amend the Order to except it from the provisions of Paragraph III, on the ground that its activities and relationships are not such that Paragraph III need apply to it for the purpose of the Order to be achieved. Second, Piher International Corp. has moved to amend the Order to permit it to make certain exports immediately while its first motion is being considered. In connection with this second motion, Piher International Corp. has stated that it has contracts, concluded prior to the effective date of the Order, to export variable resistors and potentiometers to customers in Canada and Singapore, and that its present failure to make these exports, because of the Order, has disrupted certain production operations at the Canadian customer and threatens such disruption at the Singapore customer. Piher International Corp. has stated further that these variable resistors and potentiometers are G–DEST items under the Regulations and that Canadian and Singapore customers use them for the manufacture of original equipment and not for resale or distribution in the form in which they are purchased.

Based on the showing made by Piher International Corp., I find that the second requested motion to make certain exports immediately, pending resolution of its first motion to be excepted from Paragraph III, is justified, and that granting the second motion will not jeopardize the purpose of the Order.

Accordingly, it is hereby ordered that the Order of February 25, 1982 is amended by excepting, from its denial of export privileges, Piher International Corp., with addresses at 565 W. Golf Road, Arlington Heights, Illinois 60005 and at Post Office Box 91969, Chicago, Illinois 60680, insofar as Piher International Corp. exports variable resistors and potentiometers to its customers in Canada and Singapore in fulfillment of shipments scheduled through May 1982 in the shipment release documents filed by Piher International Corp. as Exhibit 4 in support of its motion, provided all such exports are G–DEST under the Regulations. Piher International Corp. may apply for an extension of this Amendment to shipments scheduled after May 1982 in such shipment release documents should a continuing consideration of its first motion entail serious economic hardship if such an extension is not issued.

This Amendment of the Order is effective immediately.

Dated: April 9, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82–10658 Filed 4–19–82; 8:45 am]

BILLING CODE 3510–25–M

Resumption of Monitoring of Round Stainless Steel Wire Imports

AGENCY: International Trade Administration, Commerce.

ACTION: Resumption of Monitoring of Stainless Steel Round Wire Imports.

SUMMARY: This notice is to advise the public that the Department of Commerce will resume monitoring imports of stainless steel round wire. This decision does not affect other products that were covered under the suspended steel trigger price mechanism (TPM). The Department will monitor stainless steel wire imports that are exported after April 14 and are not subject to a binding fixed price contract entered into before April 14, 1982, or that are exported after May 29, 1982. The monitoring of round stainless steel wire permits the Department to ascertain expeditiously whether sales are occurring at prices which are likely to constitute sales at less than fair value under the antidumping law or are the result of unfair subsidization.

FOR FURTHER INFORMATION CONTACT: F. Lynn Holec, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C., Telephone (202)377–3793.

SUPPLEMENTARY INFORMATION: The Department of Commerce suspended the operation of the steel trigger price mechanism (TPM) on January 11, 1982 (47 FR 2392) in response to the filing of major antidumping and countervailing duty petitions by U.S. steel producers. The operation of the TPM was discontinued for all steel products covered at the time of suspension.

In July 1978, domestic industry representatives filed an antidumping petition against stainless steel round wire from Japan. The International Trade Commission determined in August 1978 that the importations were injuring or were likely to injure the domestic industry. Stainless steel round wire was covered under the TPM beginning with the first quarter of 1979. The antidumping petition was later withdrawn.

The Department will resume trigger price monitoring of stainless steel round wire imports that were not subject to a binding fixed price contract entered into before April 14, 1982, or that are exported to the United States after May 29, 1982. Monitoring will resume under the same provisions contained in the October 8, 1980 reinstatement notice for the TPM (45 FR 66833). Trigger price monitoring procedures for stainless steel round wire will be the same as those published in the *TPM Procedures Manual* (46 FR 49928).

The stainless steel round wire to be monitored and applicable trigger prices for those products are listed on pages 16–20 to 16–30 of the *First Quarter 1982 TPM Price Manual* and reproduced below in the Appendix to this notice. While imports of stainless steel round wire (TSUSA 609.4510 and 609.4540) were formerly classified in category 16 of the American Iron and Steel Institute's (AISI) 32 categories of imports of basic steel mill products, those categories have been renumbered and stainless steel round wire now falls under category 20. The trigger prices provided in the price manual will remain in effect until October 1, 1982. The Department will thoroughly review these prices, confirm the accuracy of the underlying cost data and make adjustments as necessary before publishing revised levels. The revised levels will be published by August 13, 1982 and will apply to merchandise exported on or after October 1.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

Appendix

Page 16–20[1] Rev. Nov. 1981

[1] Page numbers refer to First Quarter 1982 *Steel Trigger Price Mechanism Price Manual.* AISI category 16 was relabeled category 20 as of January 1982.

Stainless Steel Wire Trigger Prices

[Effective Through September 30, 1982]

[AISI Category 20 (Formerly 16)]

BASE PRICES PER METRIC TON—SEE BELOW

Charges to CIF	Ocean freight	Handling	Interest (percent)
Pacific Coast	$102	$9	3.6
Gulf Coast	124	5	4.6
Atlantic Coast	124	4	4.6
Great Lakes	161	4	5.7

Interest charge equal F.O.B. trigger base price including size extra times interest factor.

Insurance 1% of base price + extras + ocean freight.

Extras ($/M.T.):

1. Annealed Wire—Group I—Pages 16–21 to 16–23.
   A. Base Prices Including Grade Extras.
   B. Size by Grade Group.
   C. Small Bar.
2. Hard/Spring Wire—Group II—Pages 16–24 to 16–25.
   A. Base Prices Including Grade Extras.
   B. Size by Grade Group.
3. Soft/Intermediate Wire—Group III—Pages 16–26 to 16–27.
   A. Base Prices Including Grade Extras.
   B. Size by Grade Group.
4. Coating—Page 16–28.
5. Finish—Page 16–29.
   A. Centerless Ground.
   B. Centerless Ground and Polished.
6. Diameter Tolerance—Page 16–29.
7. Straigtening and Cut to Length—Page 16–30.
   A. Size Range.
   B. Length.
8. Packaging—Page 16–30.

1. Group I—Annealed Wire: Soft wire in which there is no further cold drawing after the last annealing treatment. This wire is made by annealing in open fired furnaces or molten salt followed by pickling, which produces a clean gray matte finish. It is also made with a bright finish by annealing wet, oil or grease drawn wire in a protective atmosphere, and is sometimes described as bright annealed wire.

A. Grades

Grade	Base price
301	2,268
302	2,218
303	2,315
304	2,268
12305 2,437	
310	4,017
314	4,697
316	3,240
316–L	3,409
317	3,725
317–L	3,896
304–L	2,437
17–4PH [1]	2,583
308	2,413
308–L	2,583
309	2,948
309–L	3,118
321	2,583
302 HQ (18–19LW) [2]	2,389
347	2,899
384	2,850
409	1,596
410	1,304
416	1,276
420	1,353
430	1,353
430–F	1,548
434	1,644
434–A	1,450
446	1,888

[1] May also be designated as type 630 or as UNS 17400.
[2] May also be designated as type 302 CU and as 306.

Page 16–22, Rev. Nov. 1981.

B. Size*

Size	Grade group: 300 series and 17–7PH	400 series	17–4PH, 15–5PH
0.574" to 0.703"	214	546	214
0.501" to 0.573"	214	546	214
0.500"	230	546	230
0.375" to 0.499"	249	546	249
0.3125" to 0.374"	267	546	267
0.250" to 0.312"	357	546	357
0.234" to 0.249"	406	546	406
0.216" to 0.233"	461	587	461
0.200" to 0.215"	636	636	636
0.185" to 0.199"	656	668	656
0.170" to 0.184"	672	696	672
0.155" to 0.169"	683	727	683
0.142" to 0.154"	702	861	702
0.128" to 0.141"	732	994	732
0.113" to 0.127"	817	1,097	726
0.099" to 0.112"	943	1,191	761
0.086" to 0.098"	1,036	1,261	793
0.076" to 0.085"	1,096	1,328	830
0.067" to 0.075"	1,159	1,395	1,006
0.058" to 0.066"	1,272	1,447	1,177
0.051" to 0.057"	1,329	1,497	1,238
0.044" to 0.050"	1,387	1,549	1,296
0.038" to 0.043"	1,512	1,603	1,420
0.033" to 0.037"	1,647	1,790	1,555
0.030" to 0.032"	1,719	1,924	1,719
0.027" to 0.029"	1,885	.....	2,073
0.024" to 0.026"	2,041	.....	2,041
0.021" to 0.023"	2,194	.....	2,199
0.019" to 0.020"	2,346	.....	2,346
0.018"	2,496	.....	2,496
0.017"	2,529	.....	2,529
0.016"	2,571	.....	2,571
0.015"	2,690	.....	2,690

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Size*

Size	Grade group: 300 series and 17–7PH	400 series	17–4PH, 15–5PH
0.014"	2,825	.....	2,825
0.013"	2,945	.....	2,945
0.012"	3,070	.....	3,070
0.011"	3,189	.....	3,189
0.010"	3,476	.....	3,476
0.009"	3,605	.....	3,605
0.008"	3,765	.....	3,765
0.0075"	3,936	.....	3,936
0.007"	4,115	.....	4,115
0.0065"	4,539	.....	4,539
0.006"	5,023	.....	5,023
0.00575"	5,505	.....	5,505
0.0055"	5,989	.....	5,989
0.00525"	6,956	.....	6,956
0.005"	7,137	.....	7,137
0.00475"	7,258	.....	7,258
0.0045"	7,500	.....	7,500
0.00425"	8,165	.....	8,165
0.004"	8,769	.....	8,769
0.00375"	18,437	.....	18,437
0.0035"	22,005	.....	22,005
0.00325"	25,146	.....	25,146
0.003"	28,287	.....	28,287
0.0027"	29,317	.....	29,317
0.0025"	30,526	.....	30,526
0.002"	39,589	.....	39,589

*All intermediate sizes to take next higher price.
*All intermediate sizes to take next higher price.

C. Small Bar: Small Cold Drawn Bar in Wire Gauges Is To Be Trigger Priced Using Above Grade and Size Extras in Conjunction With the Following Negative Extras for the Absence of Annealing and Pickling

Size range	Extras
.375" through .703"	Minus 77.
.216" through .374"	Minus 81.
.187" through .215"	Minus 104.

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2. Group II—Hard/Spring Wire: wire drawn in several drafts as required to produce the high tensile strengths required for such products as spring wire.

A. Grades

Grades	Base price
301	2,268
302	2,218
303	2,315
304	2,268
305	2,437
310	4,017
314	4,697
316	3,240
316–L	3,409
317	3,725
317–L	3,896
321	2,583
17–4PH [1]	2,583
17–7PH [2]	3,264
308	2,413
308–L	2,583
309	2,948
309–L	3,118
302 HQ (18–19LW) [3]	2,389
347	2,899
384	2,850
409	1,596
410	1,304
416	1,276
420	1,353
430	1,353
430–F	1,548
434	1,644
434–A	1,450
446	1,888

[1] May also be designated as type 630 or UNS 17400.
[2] May also be designated as typed 631 or CU or UNS 17700.
[3] May also be designated as type 302 or CU or 306.

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B. Size*

Size	Grade group 300 series and 17-7PH
Over 0.375"	712
0.3125" to 0.374"	712
0.2500" to 0.312"	712
0.234" to 0.249"	712
0.216" to 0.233"	712
0.200" to 0.215"	712
0.185" to 0.199"	712
0.170" to 0.184"	712
0.155" to 0.169"	712
0.142" to 0.154"	688
0.128" to 0.141"	688
0.113" to 0.127"	688
0.099" to 0.112"	725
0.086" to 0.098"	801
0.076" to 0.085"	858
0.067" to 0.075"	934
0.058" to 0.066"	1,036
0.051" to 0.057"	1,247
0.044" to 0.050"	1,432
0.038" to 0.043"	1,509
0.033" to 0.037"	1,658
0.030" to 0.032"	1,744
0.027" to 0.029"	2,100
0.024" to 0.026"	2,290
0.021" to 0.023"	2,518
0.019" to 0.020"	2,814
0.018"	3,405
0.017"	3,699
0.016"	3,792
0.015"	3,878
0.014"	4,061
0.013"	4,206
0.012"	4,506
0.011"	5,761
0.010"	5,912
0.009"	6,145
0.008"	6,351

3. Group III—Soft/Intermediate Wire: wire drawn one or more drafts after annealing as required to produce minimum strength or hardness. The properties can be varied between soft temper and those approaching spring temper wire. Wire in this temper is usually produced in a variety of dry drawn tempers. Cold heading wire belongs in this group.

A. Grades

Grades	Base price
301	2,268
302	2,218
302 (302HQ, 18-9LW)	2,389
303	2,315
304	2,268
305	2,437
310	4,017
314	4,697
316	3,240
316-L	3,409
317	3,725
317-L	3,896
321	2,583
17-4PH[1]	2,583
308	2,413
308-L	2,583
309	2,948
309-L	3,118
347	2,899
384	2,850
409	1,596
410	1,304
420	1,353
430	1,353
430-F	1,548
434	1,644
434-A	1,450
446	1,888

[1] May also be designated as type 630 or UNS 17400.

* All intermediate sizes to take next higher price.

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B. Size*

Size	Grade group		
	300 series and 17-7PH	400 series	17-4PH, 15-5PH
Over 0.375"	484	340	484
0.3125" to 0.374"	484	340	484
0.2500" to 0.312"	484	354	484
0.2340" to 0.249"	484	377	484
0.2160" to 0.233"	484	401	484
0.200" to 0.215"	484	435	484
0.185" to 0.199"	601	464	601
0.170" to 0.184"	630	489	630
0.155" to 0.169"	664	531	664
0.142" to 0.154"	685	600	685
0.128" to 0.141"	739	715	739
0.113" to 0.127"	888	797	888
0.099" to 0.112"	937	907	973
0.086" to 0.098"	1,031	936	1,031
0.076" to 0.085"	1,150	990	1,150
0.067" to 0.075"	1,267	1,083	1,267
0.058" to 0.066"	1,384	1,315	1,384
0.051" to 0.057"	1,435	1,555	1,435
0.044" to 0.050"	1,492	1,601	1,492
0.038" to 0.043"	1,622	1,662	1,622
0.033" to 0.037"	1,723	1,860	1,723
0.030" to 0.032"	1,843	1,984	1,843
0.027" to 0.029"	2,011	.....	2,011
0.024" to 0.026"	2,172	.....	2,172
0.021" to 0.023"	2,338	.....	2,338
0.019" to 0.020"	2,495	.....	2,495

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Coating: Material provided uncoated or coated with lime (or equivalent to lime) and/or soap will carry no extra. Other coatings require an appropriate extra where additional costs are involved. Metallic coatings include copper, nickel, and lead. Non-metallic coatings include plastics, molybdenum disulfide, etc.

Size range	Metallic		Non-metallic
	Copper	Nickel	
Over 0.154"	115	34	24
0.099" to 0.154"	173	34	24
0.063" to 0.098"	229	47	31
0.041" to 0.062"	.....	75	49
0.030" to 0.040"	.....	101	65
0.025" to 0.029"	.....	101	65
0.020" to 0.024"	.....	136	92
0.015" to 0.019"	.....	174	123
0.010" to 0.014"	.....	214	148

5. Finish.

*All intermediate sizes to take next higher price.

Size ranges[1]	Centerless ground	Centerless ground and polished
0.595" to 0.703"	532	672
0.501" to 0.594"	532	672
0.500"	588	743
0.375" to 0.499"	602	768
0.3125" to 0.374"	602	768
0.250" to 0.3124"	602	768
0.234" to 0.249"	926	1,122
0.216" to 0.233"	926	1,122
0.200" to 0.215"	1,022	1,248
0.185" to 0.199"	1,195	1,446
0.170" to 0.184"	1,409	1,674
0.155" to 0.169"	1,687	1,973
0.142" to 0.154"	1,966	2,253
0.128" to 0.141"	2,313	2,598
0.113" to 0.127"	2,897	3,207
0.093" to 0.112"	5,900	6,493

[1] Intermediate sizes to take next higher price.

These extras are applicable to all grades listed.

Straightening and cut to length extras are included in the above finish extras.

6. Diameter Tolerance.

STANDARD: AISI OR JIS SPECIFICATION

Standard	Extra—Base
Not less than 1/2 standard	106.
Closer than 1/2 to 1/4 standard	25% of size extra.
Closer than 1/4 standard	50% of size extra.

7. Straightening and Cut to Length: Use the sum of the appropriate extras from A and B below to form the total extra.

A. Size range

Size range	Extras
0.595" to 0.703"	111
0.501" to 0.594"	111
0.500"	111
0.375" to 0.499"	139
0.3125" to 0.374"	139
0.170" to 0.3124"	252
0.099" to 0.169"	629
0.051" to 0.098"	1,823
0.032" to 0.050"	2,103

B. Length

Length	Extras
Under 12"	98
12" to under 18"	65
18" to under 24"	65
24" to under 30"	41
30" to under 36"	41
36" to under 48"	41
48" to under 60"	41
60" to under 72"	41
72" to under 120"	34
120" to under 168"	34
168" to under 192"	34
192" to under 216"	34
216" to under 240"	34
240" to under 264"	27
264" to under 288"	27
288" to 316"	27

8. Packaging.

Bundle	27
Wooden boxes	95
Fibre drums	87
Coil carriers	27

Spools: Sizes under .020"	170
Both spools and wooden boxes:	
Sizes .020" and greater	95
Sizes under .020"	264

[FR Doc. 82-10464 Filed 4-19-82; 8:45 am]
BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name Oceanarium Jaya Ancol (P300).

b. Address J1. Merdeka Seletan No. 8–9, Jakarta Pusat, Indonesia.

2. Type of Permit Public Display.

3. Name and number of animals: California sea lions (Zalophus californianus), 6.

4. Type of take: To take for public display.

5. Location of Activity: From Santa Barbara Channel Islands if not available from beached/stranded stocks.

6. Period of Activity: 2 years.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 F.R. 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. A certification from such appropriate government agency verifying the information set forth in the application;

ii. A certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. A statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of Oceanarium Jaya Ancol have been found appropriate and sufficient to allow consideration of this permit application.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 13, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-10780 Filed 4-19-82; 8:45 am]
BILLING CODE 3510-22-M

Office of the Secretary

National Voluntary Laboratory Acreditation Program; Formal Establishment of Solid Fuel Room Heaters Program

AGENCY: Assistant Secretary for Productivity, Technology and Innovation.

ACTION: Notice of formal establishment of a program for accrediting laboratories that test solid fuel room heaters.

SUMMARY: Under the National Voluntary Laboratory Accreditation Program (NVLAP), the Department of Commerce (DOC) announces the formal establishment of a laboratory accreditation program (LAP) for solid fuel room heaters (the "Stove LAP"). A separate notice following this notice includes the fees for this LAP. Laboratories which are interested in becoming accredited under the Stove LAP may request an application package by contacting the Manager, Laboratory Accreditation.

DATES: Each laboratory that submits a completed application by June 30, 1982, will be included among the initial group of laboratories to be evaluated fgor NVLAP accreditation. Laboratories that miss this deadline cannot be assured of being included in this initial group, but will be included in a subsequent group to be evaluated six months to one year later.

FOR FURTHER INFORMATION CONTACT: John W. Licke, Manager, Laboratory Accreditation, National Bureau of Standard, TECH B06, Washington, DC 20234; (301) 921–2368.

SUPPLEMENTARY INFORMATION:

Background

This announcement is prepared in accordance with section 7b.8 of the NVLAP Procedures (15 CFR Part 7b). Establishment of this laboratory accreditation program (LAP) for solid fuel room heaters (the "Stove LAP") is in response to the formal request from the U.S. Department of Housing and Urban Development (HUD) published on March 17, 1981 in the **Federal Register** (46 FR 17073). HUD's request identified as the applicable standards and test methods Underwriters Laboratories (UL) standards UL 737 and 1482. After 60 days of public review of its request, HUD confirmed its desire to have DOC proceed with the LAP. The purpose of the LAP is to assist in minimizing the hazards associated with improperly designed and constructed stoves by identifying laboratories capable of performing tests in accordance with the designated standards and to give national recognition to those laboratories for their testing capabilities.

On October 13–14, 1981, DOC held an informal public workshop to provide interested parties an opportunity to participate into development of technical requirements for this LAP. A copy of the minutes of that workshop is

available for inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between E Street and Constitution Avenue, NW, Washington, D.C. 20230.

Accreditation Process

The accreditation process for this LAP is described below. The description is followed by an appendix summarizing operational information for this LAP, including the frequency and nature of on-site visits, the available test methods, and the proficiency testing requirements.

Dated: April 14, 1982.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

Accreditation Process for the Stove Program

Requesting An Application. Any testing laboratory interested in becoming accredited for this LAP should contact the Manager, Laboratory Accreditation, National Bureau of Standards, TECH B06, Washington, D.C. 20234, (301) 921–2368. The Manager, Laboratory Accreditation will send an application package as is explained below. All laboratories submitting applications postmarked by June 30, 1982, and accompanied by the requisite fee or purchase order will be scheduled for an initial on-site visit as part of the first group of laboratories considered for accreditation under this LAP. Applications received after this date will be included in subsequent groups of laboratories to be considered for accreditation six months to one year later. An application request letter should identify the specific test method groups under this LAP in which the laboratory is interested (see the Appendix for the test method list). The application package sent in response to the request letter will be tailored to those specific test method groups. No commitment by the laboratory will be implied by such a request. Likewise, the Manager, Laboratory Accreditation will only send an application package, and will take no further action unless and until a formal application for accreditation contained in the application package is properly completed and returned.

Application Package. The application package includes an application form with a test method selection list and fee schedule, and a guide to the requirements for accreditation.

Fees. In a separate notice appearing in this issue of the **Federal Register**, DOC announces the fees for the Stove LAP. The fees notice provides interested laboratories with the information needed to calculate the fees associated with the scope of accreditation desired. All fees must be paid before any initial decision on accreditation is made. Failure to pay renewal fees on a timely basis will lead to automatic expiration of accreditation at the end of the laboratory's current accreditation period.

Enrollment. After payment of the required fees, the laboratory is scheduled for an on-site laboratory visit and is notified of any additional written information which must be supplied, and of any applicable proficiency testing requirements which must be completed, for the evaluation.

Basic Conditions for Accreditation. In order for a laboratory to be accredited under the NVLAP procedures, it shall agree in writing to the following basic conditions:

(1) Be examined and audited, initially and on a continuing basis;

(2) Pay accreditation fees and charges;

(3) Avoid reference by itself and forbid others utilizing its services from referencing its NVLAP accredited status in consumer media and in product advertising or on product labels, containers and packaging or the contents therein, or in any other way which might convey the concept of product certification by DOC (Note: A NVLAP accredited laboratory may advertise its accredited status on its letterhead, brochures, and test reports as well as in trade publications and other laboratory services advertising media.);

(4) Maintain compliance with applicable general and specific criteria and with applicable requirements of the NVLAP Procedures (15 CFR Parts 7a, 7b, and 7c);

(5) Participate in proficiency testing that may be required for attaining or maintaining accreditation.

Criteria. The NVLAP criteria for evaluating laboratories, which are described in sections 7a.19–7a.30 of the NVLAP Procedures (15 CFR Part 7a), address a laboratory's organizational structure, technical management, professional and ethical business practices, and system for assuring the quality of test results. The criteria also address aspects of a laboratory directly related to the reliable performance of each test method for which the laboratory desires accreditation, including staff competence and training, facilities and equipment, test plans, calibration procedures, record keeping, data handling procedures, and quality control checks and audits.

On-site Visits. Regularly scheduled on-site visits are conducted to assess a laboratory's compliance with the NVLAP criteria. In addition, monitoring visits of limited scope are used to assure that accredited laboratories continue to comply with the criteria or to resolve any testing problems that an accredited laboratory may appear to have. The on-site assessor will conduct an exit interview with the laboratory's management at the conclusion of an on-site visit to summarize his or her findings. A written report is prepared by the NVLAP assessor after each on-site visit. Each laboratory is notified when deficiencies are identified and is given an opportunity to correct them before formal accreditation recommendations are prepared or any action to revoke accreditation is commenced. The laboratory shall permit the on-site assessor to review and examine any records or other documents required by the criteria. Also, if a hearing under 5 U.S.C. 556 has been instituted under the NVLAP Procedures, the laboratory shall permit DOC personnel to review and copy any records or other documents required by the criteria. Failure of the laboratory to cooperate with the on-site assessor will be grounds for adverse accreditation action.

Proficiency Testing. Proficiency testing is an integral part of the NVLAP accreditation process. Of utmost importance to the user of laboratory services is information as to whether or not a laboratory consistently obtains reliable results. While the existence of facilities, equipment, and personnel which meet the criteria establish a laboratory's overall capability to obtain good results, for certain test methods an analysis of actual test results is also necessary to determine if the overall capability does in fact produce the desired results. A laboratory's failure to participate fully in the conduct of required proficiency testing may also be grounds for adverse accreditation action.

Evaluation and Recommendations. A team of evaluators composed primarily of peers in the applicable testing areas uses the following inputs to review each laboratory:

(1) Written information supplied by the laboratory;

(2) Results of proficiency testing; and

(3) Written reports of on-site visits to the laboratory.

If deficiencies are identified, the laboratory is given written notification of them and a reasonable period (ordinarily 30 days) in which to correct or resolve them. After further review of the above inputs and the laboratory's

repsonse to any notification of deficiencies, the team will make an accreditation recommendation for the laboratory.

Accreditation Decision. Based on these recommendations, a decision is made whether to grant or deny initial accreditation for new laboratories or renewal for previously accredited laboratories. When decided, the laboratory is notified by letter of its accreditation status. If accreditation denial is proposed, the notification states the reason.

Appeals. A laboratory for which denial of accreditation is proposed has 30 days from the date of receipt of the notification to request a hearing. The notification will identify to whom a request for a hearing should be sent. If a hearing is not requested, the denial becomes final. If a hearing is requested, it is held pursuant to 5 U.S.C. 556.

Accreditation Period. Laboratories are granted accreditation for one year with individual laboratory anniversary dates occurring on the first of January, April, July, or October. A laboratory will be assigned only one anniversary date which will be closest to the time that its evaluation is completed and which assures that the accreditation period is a minimum of one year.

Accreditation Renewal. Each accredited laboratory is sent a renewal application form before its current accreditation expires (anniversary date). The lead time will be sufficient to complete the evaluation for renewal for the following year. The laboratory may use the renewal application form to add or drop test methods from its current accreditation.

Termination. Any accredited laboratory may voluntarily terminate its accreditation at any time. This option may be used by a laboratory for any reason.

Revocation. If the Secretary of Commerce or his designee finds that an accredited laboratory has violated the terms of its accreditation, he may, after consultation with the laboratory, notify the laboratory that he proposes to revoke its accreditation. As in the case of a denial, the laboratory has 30 days in which to appeal a proposed revocation by requesting a hearing. A proposed revocation will identify to whom a request for a hearing should be sent. If the hearing is not requested, the revocation becomes final. If a hearing is requested, it is held pursuant to 5 U.S.C. 556.

Public Notification. Accreditation actions are published in the **Federal Register** within 30 days of such action, and in NVLAP quarterly and annual reports.

Compliance with Existing Laws. NVLAP accreditation does not relieve the laboratories from the necessity of observing and complying with existing Federal, State, and local statutes, ordinances, or regulations that may be applicable to its operations, including consumer protection and antitrust laws.

Appendix—Operational Information for the Stove LAP

On-site Visits. Regularly scheduled on-site visits will occur every two years. In addition, up to one-tenth of the laboratories will be subject to monitoring visits each year.

Test Methods. The standards included in the program are UL 737 and UL 1482. The portions of the standards which deal with certification and labeling are not part of the LAP since accreditation deals only with the determination of a laboratory's ability to test competently. The Table below shows the test method groups within each standard for which accreditation may be granted; namely, Physical/Fire Group (NVLAP Code 04/F00); Mobile Home Group (04/M00); and Electrical Group (04/E00). Laboratories have the following four options in seeking accreditation:

(1) Physical/Fire Group only;

(2) Physical/Fire Group and Mobile Home Group;

(3) Physical/Fire Group and Electrical Group; or

(4) All Three Groups.

TABLE

NVLAP Code	Short title	Section of UL 737, 5th edition (3/1/82)	Section of UL 1482, 1st edition (8/9/79) with revision pages through 2/9/81
	Physical/Fire Group (04/FOO)		
04/F01	Test installation	8	8
04/F02	Temperature Measurement	9	9
04/F03	Smoke Spillage (visual observation		11
04/F04	Radiant Fire Test	11	12, 12A
04/F05	Coal Fire Test		11A
04/F06	Brand Fire Test	12	13, 13A
04/F07	Flash Fire Test	13	14
04/F08	Strength Tests	15	15
04/F09	Stability Test	16	16
04/F10	Glazing Test	14	17
	Mobile Home Group (04/M00) [1]		
04/M01	Test Installation	17	18
04/M02	Toxic Gas	17	18
04/M03	Drop Test	17	18
	Electrical Group (04/E00)		
04/E01	Test Voltages	33	35
04/E02	Temperature Measurements, Electrical Components	34	36
04/E03	Input Test	35	37
04/E04	Temperature Test, Electrical Components	36	38
04/E05	Leakage Current	38	40
04/E06	Dielectric Withstand	37	39
04/E07	Locked Rotor (Stalled Motor) Temperature	39	41
04/E08	Power Cord Strain Relief	40	25.4

[1] Note: Physical/fire tests, required by Sections 17 (UL 737) and 18 (UL 1482), are listed under the 04/F00 group (UL 737, Sections 11–16; UL 1482, Sections 11–17, as applicable).

Proficiency Testing Requirements. One round of proficiency testing is required annually. The testing will initially focus on the four fire test methods of the Physical/Fire Group. Each laboratory will be required to purchase one radiant-type stove of a given brand and model. This stove will be used for several rounds of testing in successive years. Instructions for testing and data sheets will supplied by DOC. Each laboratory must test the stove in accordance with the test methods of UL 737 and UL 1482 as supplemented by the instructions from DOC and return the data sheets to DOC by a given date for analysis.

[FR Doc. 10574 Filed 4–19–82; 8:45 am]

BILLING CODE 3510–13–M

National Voluntary Laboratory Accreditation Program; Fees for Stove Program

AGENCY: Assistant Secretary for Productivity, Technology and Innovation.

ACTION: Notice of fees for the laboratory accreditation program for solid fuel room heaters.

SUMMARY: Under the National Voluntary Laboratory Accreditation Program (NVLAP), the Department of Commerce (DOC) announces the fees for the laboratory accreditation program (LAP) for solid fuel room heaters (the "Stove LAP"). A separate notice appearing in this issue of the **Federal Register**

describes the accreditation process for the Stove LAP. Laboratories that are interested in becoming accredited under this LAP may request an application package by contacting the Manager, Laboratory Accreditation.

EFFECTIVE DATE: May 20, 1982.

FOR FURTHER INFORMATION CONTACT: John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, TECH B06, Washington, DC 20234; (301) 921–2368.

SUPPLEMENTARY INFORMATION:

Background

In a separate notice in this issue of the **Federal Register**, DOC announced the formal establishment of a laboratory accreditation program, (LAP) for solid fuel room heaters (the "Stove LAP"). Pursuant to paragraph (a) of section 7b.10 of the NVLAP Procedures (15 CFR Part 7b), notice is hereby given of the fees which the Secretary of Commerce has established for the Stove LAP. The fees for the other three established LAPs for thermal insulation materials, for freshly mixed field concrete, and for carpet were published in a **Federal Register** notice dated March 5, 1982 (47 FR 9496–9498).

Basis of fees

NVLAP evaluation fees are based on the premise that all the operational costs incurred by DOC in evaluating laboratories seeking accreditation are recovered from fees charged to the applicant laboratories. This includes processing applications, preparing evaluation reports and certificates, as well as the work-hours, travel, and per diem costs of assessors used in the evaluation process. The fees will vary depending on assessor time requirements caused by the complexity of the test methods and the frequency with which the assessors must visit the laboratories in each of the LAPs. Administrative costs associated with the development of these LAPs are not recovered by these fees but are paid from NVLAP's budget of appropriated funds.

Fees for Foreign Laboratories

Foreign laboratories are offered NVLAP accreditation on the same basis and meeting the same criteria as is required of domestic laboratories, except that the costs for travel of assessors and for mail of proficiency testing materials outside of the continental United States will be added to the normal charges for the LAPs requested. Upon application, a foreign laboratory must make arrangement for paying the standard evaluation fee in U.S. currency. As soon as an assessor has been scheduled to visit the foreign laboratory, the laboratory will be notified of the additional cost of travel due DOC. Arrangements for paying this cost in U.S. currency must be completed before the assessor leaves the United States. If travel time from port of embarkation to the foreign destination takes more than 4 hours but less than 20 hours, the foreign laboratory will also be required to pay for the wage of the assessor for one day. Travel time for the return trip will also be billed to the laboratory. For travel times greater than 20 hours, the assessor's wage equivalent of 2 days wages for each trip will be charged. As soon as an assessor has been scheduled to visit the foreign laboratory, the laboratory will also be notified of the additional cost for assessor's wages due DOC before an assessor leaves the United States. More than one assessor may be required to assess the laboratory if it requests accreditation in more than one LAP, just as is required for accrediting domestic laboratories.

Processing Applications

Some applicant laboratories have difficulty in correcting identified deficiencies promptly. DOC incurs administrative costs to maintain such applicants on the "active" list. If a laboratory has not completed all requirements for accreditation within one year from the first day of the next quarter following receipt of its application, it will be billed an administrative fee equivalent to the annual evaluation fee in order to continue its application in an active status. As an alternative, it may request that its application be suspended until such time that it is ready to be accredited. The full annual evaluation fee will be required when it is ready to be accredited.

Monitoring Visits

The charges also include a contingency factor to cover the costs associated with conducting monitoring visits to accredited laboratories. The purpose of these monitoring visits is to review the performance of the laboratories between regularly scheduled visits. Laboratories will be selected for these monitoring visits either randomly or in response to testing problems perceived by the evaluation staff. The laboratories may or may not be contacted in advance of such monitoring visits. Up to one-tenth of the laboratories will be subject to monitoring visits each year.

The general NVLAP fee model and the specific fee model for the Stove LAP are described below.

Dated: April 14, 1982.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

Fees for Evaluating Laboratory

NVLAP Fee Model. The general NVLAP fee model is expressed by the following equation: $F=A+B+C+D+E$; where:

F is the total fee for evaluation.

Component A is a fixed administrative charge associated with a given LAP.

Component B is a variable charge depending on the test methods for which the laboratory requests accreditation.

Component C is a charge associated with on-site visits for certain LAPs.

Component D is a charge associated with the extra costs of evaluating foreign laboratories, including costs for travel of assessors and for mail of proficiency testing materials outside the continental United States

Component E is a one-time charge that covers extra costs for actual travel, per diem, and labor costs incurred to carry out a special evaluation for those applicants requiring faster service than the normal evaluation schedule for the given LAP allows.

Some components of the fee model are not applicable for certain LAPs.

Multiple LAP Enrollment. If a laboratory is participating in more than one LAP, the fixed administrative charge A will be prorated since many of the administrative costs for each LAP cover the same operations as in other LAPs. The total fixed charge for multiple LAP enrollment is determined by selecting the largest Component A value and adding 20 percent of the remaining Component A values for the LAPs in which a laboratory is enrolled.

Fee Model for the Stove LAP

Generally, the Stove LAP fee model for domestic laboratories is: $F=A+B$; where:

Component A is an annual fixed charge of $870 that covers administrative costs associated with the operation of the LAP. If a laboratory is also enrolled in the LAP for thermal insulation materials, this charge is only 20% of $870.00, or $174.00.

Component B is an annual variable charge that covers part of the costs of the regularly scheduled on-site visits and the costs of proficiency testing. Component B is the sum of the variable charges for each of the test method groups in this LAP for which the laboratory requests accreditation. The

variable charges are: for the Physical/Fire Group (04/F00), $950; for the Mobile Home Group (04/M00), $250; and for the Electrical Group (04/E00), $150. For complete designations of the test methods in each Group, refer to the list in the Appendix of the preceding notice.

The Stove LAP fee does not include the periodic cost of purchasing and shipping an appliance for proficiency testing. DOC will idenfity the make and model of the appliance that will be used. It is anticipated that this cost will be about $200 plus shipping every few years.

[FR Doc. 82-10575 Filed 4-19-82; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; New Systems of Records

AGENCY: Department of the Air Force, DOD.

ACTION: Notice of a new system of records.

SUMMARY: The Air Force proposes to establish a new system of records subject to the Privacy Act of 1974. The system notice for this new system of records is published below.

DATE: This system shall be effective as proposed without further notice on May 20, 1982, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments including written data, views or arguments concerning the proposed system should be addressed to the system manager identified in the notice.

FOR FURTHER INFORMATION CONTACT: MR. Jon E. Updike, HQ USAF/DAAD, Room 4A1088I, The Pentagon, Washington, DC 20330, telephone 202/694-3432.

SUPPLEMENTARY INFORMATION: The Air Force systems of records notices inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93-579 have been published to date in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6443) January 21, 1981
FR Doc. 82-674 (47 FR 2544) January 18, 1982
FR Doc. 82-2886 (47 FR 5285) February 4, 1982
FR Doc. 82-4481 (47 FR 7478) February 19, 1982
FR Doc. 82-9386 (47 FR 14936) April 7, 1982

The Department of the Air Force has submitted a new system report March 16, 1982 under the provision of 5 U.S.C. 552a(o) as implemented by Office of Management and Budget (OMB) Circular A-108, Transmittal Memoranda, No. 1 and No. 3, dated September 30, 1975 and May 17, 1976 respectively. The OMB guidance was set forth in the **Federal Register** (40 FR 45877) on October 3, 1975.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 13, 1982.

F07502 USAFE A

SYSTEM NAME:

Customs Control Records.

SYSTEM LOCATION:

Customs Control Office of the Transportation Branch, 7206 Air Base Group/LGTTG, APO NY 09223. Selected subelements are at the Investigation Section of the Security Police Division. 7206 ABG/SPI, APO NY 09223, and the Judge Advocate Office, 7206 ABG/JA, APO NY 09223.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel assigned to duty in Greece qualifying for tax-free privileges under Article I of the North Atlantic Treaty Organization Status of Forces Agreement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Certificates of understanding and accountability; purchase records; importation documents; vehicle registration and duty-free customs certificates; customs control card roster; Greek customs tax receipts; copies of military orders; certificates of dependency; currency conversion records; military and Greek police reports concerning theft, loss or destruction of personal property; records of imports and exports via postal systems; personal property inventories for incoming and outgoing shipments of household goods; and reports of investigation concerning possible or actual customs violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

North Atlantic Treaty Organization Status of Forces Agreement and 10 USC 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system of records is used to control the tax-free acquisition of personal property by U.S. Forces entered into Greece in tax and duty exempt status under the provisions of the NATO Status of Forces Agreement. This agreement, and others which supplement it, require the U.S. to limit the tax-free import and use of items required by the U.S. Forces to only those members with bona fide entitlements and to assist the Greek government in collecting evidence and securing payment of any applicable taxes. Users of the information in the customs control system include U.S. Air Force, Navy, Army, and State Department transportation and customs activities who compile and maintain the records; military security, investigative, and law enforcement activities who screen records to collect evidence where possible wrongdoing is indicated; military justice officials who review evidence and advise commanders on possible legal actions; and Air Force Accounting and Finance Offices to control legal conversion of U.S. and host nation currency and to report excess profit from legal sales of property to Internal Revenue Service where appropriate. The system is used to document property imported tax-free into Greece and any purchases made by individuals in the military tax-free sales outlets. The information is used to prove compliance by the U.S. Forces with U.S. treaty obligations and to identify and correct black-marketeering or other unauthorized activities which evade Greek customs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file folders.

RETRIEVABILITY:

Files are maintained in numerical sequence using a locally established individual customs control number given upon application to each member entitled to tax-free privileges in Greece. The customs control number is cross-referenced to the member's name, social security number, permanent reassignment date, and employer. Dependents of entitled members are listed under their sponsor's customs control number and record file. An electronic data processing card file is used in the U.S. Air Force Customs Control Office to correlate customs control number, name, unit of assignment, and expiration date of privileges.

SAFEGUARDS:

Records are safeguarded in locked file cabinets, locked rooms, and locked buildings. Records may be reviewed

only by the person to whom they apply or competent investigative authority based on a verified need to know.

RETENTION AND DISPOSAL:

Records are maintained in active use until the members clear their accounts in preparation for departure from Greece. The records are then removed to an inactive file within the U.S. Air Force Customs Control Office for one additional year and then transferred to a records staging area for two more years. Three years after closeout, files are destroyed by shredding, burning, pulping, or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Transportation, 7206 Air Base Group, APO NY 09223.

NOTIFICATION PROCEDURE:

Individuals may request information from the systems manager concerning their personal customs account at any time. Requesters must apply either personally or in writing providing their full name (and name of sponsor if in dependent status when the record was created), unit of assignment while in Greece, and period of stay in Greece. Requesters may visit the Customs Control Office of the Chief of Transportation, 7206 Air Base Group, Hellenikon Air Base, Greece, to review their personal customs records or seek information. Requesters must present identification cards issued by U.S. Forces in Greece to gain access to their personal records.

RECORD ACCESS PROCEDURES:

Access to personal records or data concerning an individual covered under the system can be obtained only from the systems manager or the customs liaison clerks in the Customs Control Section of the Office of Chief of Transportation, 7206 ABG/LGT, APO NY 09223.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Individually prepared applications for duty-free entry of private property and automobiles; individually prepared applications for customs control cards; certificates of understanding and liability; bills of sale; Army and Air Force Exchange Service purchase records; Air Force Commissary Service purchase records; Air Force Accounting and Finance Office records of individual currency conversions; U.S. Postal Service parcel receipt records; international mail parcel receipt information; USAF Security Police investigation reports concerning loss, theft, damage or property or alleged unauthorized disposition (black-marketeering); Defense Logistic Agency Property Disposal Office turn-in records; household goods carriers' inventories of personal property imported and re-exported to and from Greece by each member subject to the system; employer's certification of eligibility to tax-free privileges; official assignment orders; letters of eligibility from non-appropriated fund employers and USAF Procurement Office for eligible contractor personnel, determinations of eligibility rendered by the Staff Judge Advocate's office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-10539 Filed 4-19-82; 8:45 am]

BILLING CODE 3910-01-M

Office of the Secretary

Organization of the Joint Chiefs of Staff; Joint Strategic Target Planning Staff Scientific Advisory Group; Closed Meeting

Pursuant to the provisions of Section 10 of Pub. L. 92-463, effective January 5, 1973 as amended by Pub. L. 94-409, notice is hereby given that a closed meeting of the Joint Strategic Target Planning Staff Scientific Advisory Group will be held at Offutt Air Force Base, Nebraska, during the period: Monday, May 10, 1982 through Tuesday, May 11, 1982. The entire meeting is devoted to the discussion of classified information within the meaning of Section 552b(c)(1), Title 5 of the U.S. Code, and therefore will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 15, 1982.

[FR Doc. 82-10779 Filed 4-19-82; 8:45 am]

BILLING CODE 3810-01-M

DELAWARE RIVER BASIN COMMISSION

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Tuesday, April 27, 1982, commencing at 1:30 p.m. The hearing will be a part of the Commission's regular April business meeting which is open to the public. Both the hearing and the meeting will be held in the Goddard Conference Room at the Commission's offices, 25 State Police Drive, West Trenton, New Jersey. The subject of the hearing will be application for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Great Valley Water Company (D-81-74 CP).* A well water supply project to augment public water supplies in the Company's service area in portions of Westtown, West Goshen and East Goshen Townships, Chester County, Pennsylvania. Designated as Wells 20 and 20A, the new facilities are expected to be utilized at an average rate of 150,000 gallons per day. The project is located in the Southeastern Pennsylvania Ground Water Protected Area.

2. *Town of Tusten (D-82-12 CP).* A sewage treatment project to serve the Hamlet of Narrowsburg in the Township of Tusten, Sullivan County, New York. A septic tank effluent collection system and treatment plant will be constructed that is designed to provide removal of 85 percent of BOD and suspended solids from a sewage flow of 100,000 gallons per day. Treated effluent will discharge to the Delaware River. The project is located in the Upper Delaware National Scenic and Recreation River area.

3. *American Argo Corporation (D-81-13 Revised).* A well water supply project serving the Corporation's plant in North Manheim Township, Schuylkill County, Pennsylvania. An existing approval limits the withdrawal to occur only when the municipal supplies are curtailed. The applicant requests modification of the existing approval so as to allow withdrawal of up to 100,000 gallons per day from Wells 3 and 5 on a regular daily basis.

4. *Getty Refining and Marketing Company (D-81-58).* A well water supply project at the Company's refinery in New Castle County, Delaware. Designated as Well P-3, the new facility will replace an existing well and is expected to yield approximately 520,000 gallons per day.

5. *Hooker Chemical Company (D-81-77) Phase 1.* Expansion of a sewage treatment facility at the Company's plant in Burlington Township, Burlington County, New Jersey. The existing sewage treatment facility will be expanded to provide removal of 90 percent of BOD from a wastewater flow of about 20,000 gallons per day. Treated affluent will combine with 400,000 gallons per day of wastewater from the existing industrial wastewater treatment

facility and discharge to Bustleton Creek, a tributary of the Delaware River. Phase 2 will provide additional treatment to the industrial wastewater.

6. *Stanley G. Flagg & Company (D–82–15).* A decontamination well for a recycle/recovery project at an existing industrial plant in West Pottsgrove Township, Montgomery County, Pennsylvania. A purge well will pump an average of 36,000 gallons per day to control the migration of zinc-contaminated ground water and prevent further contamination of the Company's production well. The project site is located in the Southeastern Pennsylvania Ground Water Protected Area.

Documents relating to the above-listed projects may be examined at the Commission's offices. Contact Mr. David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,

Secretary.

April 13, 1982.

[FR Doc. 82–10625 Filed 4–19–82; 8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF EDUCATION

Office of Legislation and Public Affairs

Privacy Act Systems; Correction

AGENCY: Education Department.

ACTION: Notice of correction to the annual publication of notices of systems of records and four additions.

SUMMARY: The Secretary corrects omissions and errors in the 1981 Annual Publication of the Education Department's Privacy Act Notice of Systems of Records that was published on June 2, 1981. The Secretary also publishes notices of four additional systems of records that were previously established but failed to appear in the 1981 Annual Publication.

FOR FURTHER INFORMATION CONTACT: Jack L. Billings, Privacy Act Officer, Office of the Assistant Secretary for Legislation and Public Affairs, Room 2089, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245–8601.

SUPPLEMENTARY INFORMATION: The Secretary issued the 1981 Annual Publication of Notice of Systems of Records under the Privacy Act in the **Federal Register** on June 2, 1981 (46 FR 29596). However, notices of four existing systems of records were inadvertently omitted from that publication. They are:

1. 18–07–0002: Congressional Correspondence Control Systems, submitted by Office of Legislation and Public Affairs.

2. 18–10–0002: Investigation Material Compiled for Personnel Security and Suitability Purposes, submitted by Office of the Inspector General.

3. 18–11–0025: Employee Suggestion Program Records, submitted by Office of Management.

4. 18–40–0030: Guaranteed Loan Program—Loan Control Master File, submitted by Office of Student Financial Assistance.

Also, one system—System 18–40–0082: Health Education Assistance Loan Program (HEAL), Loan Control Master File—has been removed because the Program has been transferred to the Department of Health and Human Services, Health Services Administration.

Technical errors were also found in the 1981 Annual Publication that included improper acronyms, incorrect or incomplete information, and typographical errors.

Also several omissions were found in the Index of Systems and System Numbers as published. The Secretary revises the Index and republishes it in this document, along with an explanation of the changes made. The 1982 Annual Publication of the Education Department's Privacy Act Notice of Systems of Records will be published later this year.

(Catalog of Federal Domestic Assistance No. — not applicable)

Dated: April 13, 1982.

T. H. Bell,

Secretary of Education.

The Secretary revises the 1981 Annual Publication of Privacy Act Notice of Systems of Records, published in the **Federal Register** on June 2, 1981 (46 FR 29596), by adding the system numbers and names of thirteen system omitted from the index and correcting one system in the index, by correcting the errors in thirty-nine notices, and by adding four notices.

1. The index of system Numbers and Names is revised to read as follows:

18–01–0001 Secretary's Communication Control System
18–01–0002 Federal Advisory Committee Membership Files
18–06–0001 Freedom of Information Case File and Correspondence Control Index
18–06–0002 Biographies and Photographs of ED Officials
18–07–0002 Congressional Correspondence Control System
18–08–0001 Case Information Management System
18–08–0002 Complaint Files and Log, Office of Management and Administration
18–09–0001 Administration Claims
18–09–0002 Attorney applicant Files
18–09–0003 Conflict of Interest-Standards of Conduct Records
18–09–0004 Federal Private Relief Legislation
18–09–0005 Litigation Files, Administrative complaints and Adverse Personnel Actions
18–10–0001 Investigative Files of the Inspector General
18–10–0002 Investigatory Material Complied for Personnel Security and Suitability Purposes
18–11–0001 Motor Vehicle Operator Records
18–11–0002 Departmental Parking Control
18–11–0003 Family Educational Rights and Privacy Act, School Recordkeeping Practices, Correspondence and Complaint System
18–11–0005 Safety Management Information System
18–11–0006 Telephone Directory/Locator System
18–11–0007 Applicants for Employment Records
18–11–0009 Discrimination Complaints Records System
18–11–0010 Employee Alcoholism, Drug abuse and Emotional Problem Counseling and Referred Records
18–11–0011 Employee Appraisal Program Records
18–11–0012 Executive Development System
18–11–0014 Grievances Filed Under the Informal Grievance Procedures
18–11–0015 Grievance Records Filed Under Procedures Established by Labor Management Negotiations
18–11–0018 Personnel Records in Operating Offices
18–11–0019 Special Employment Programs
18–11–0020 Suitability for Employment Records
18–11–0022 Volunteer EEO Support Personnel Records
18–11–0023 Unfair Labor Practice Records
18–11–0025 Employee Suggestion Program Records
18–15–0001 Consultants for Federal Technical Assistance Program. Vocational Rehabilitation Services
18–15–0002 Office of Rehabilitation Services Mailing Lists
18–15–0003 Mailing Keys
18–15–0004 Correspondance Files
18–20–0001 Fund for the Improvement of Postsecondary Education; FIPSE Field Readers
18–40–0002 Registry of Deaf-Blind Children Regional-National
18–40–0003 Student Participants in Deaf-Blind Programs Under Centers and Services for Deaf-Blind Children
18–40–0004 Parent Participants in Deaf-Blind Programs provided by Regional Centers for Deaf-Blind Children
18–40–0005 Paricipants Waiting List for Projects Serving Severely Handicapped Children and Youth
18–40–0006 Participants of Projects Serving Severely Handicapped Children and Youth
18–40–0007 Participants in Workshops Concerning Severely Handicapped Children and Youth
18–40–0010 Law Enforcement Education System

18–40–0011 Upward Bound Information Systems
18–40–0012 Migration and Refugee Assistance Act of 1962
18–40–0013 National Defense Direct Student Loan Program Request for Cancellation of Loan of Ground of Permanent and Total Disability
18–40–0014 Pell Grant Application File
18–40–0015 Pell Grant Student Eligibility Report Sub-system
18–40–0016 Pell Grant Alternate Disbursement System
18–40–0017 Student Financial Assistance Validation File
18–40–0018 Mutual Educational and Cultural Exchange Act—Teacher Exchange
18–40–0019 National Defense Education Act Foreign Language and Area Studies Fellowship Program—Fellows and Alternates
18–40–0020 Mutual Educational and Cultural Exchange Act—Doctoral Dissertation Research Abroad and Faculty Research Abroad, Fellows and Alternates
18–40–0021 Student Financial Assistance—Compliance Files
18–40–0022 Student Financial Assistance—Student Complaint File
18–40–0023 Defaulted Guaranteed Loans submitted to the Department of Justice
18–40–0024 Guaranteed Loan Program—Loan Application File
18–40–0025 NDSL Student Loan Files
18–40–0026 Guaranteed Loan Program—Paid Claims File
18–40–0027 Guaranteed Loan Program—Claims and Collection Master File
18–40–0028 Guaranteed Loan Program—Collection Letters
18–40–0029 Guaranteed Loan Program—Inactive Loan Control Master File
18–40–0030 Guaranteed Loan Program—Loan Control Master File
18–40–0031 Guaranteed Loan Program—Pre-Claims Assistance
18–40–0032 Record of Advances of Funds for Employees Traveling for the Department of Education
18–40–0033 Department of Education Financial Management Information System
18–40–0034 Teacher Corps Application for Intern Teacher Positions
18–40–0036 Oral History of the Office of Education as dictated by former Commissioners of Education
18–40–0044 Guaranteed Loan Program—Insurance Claim File
18–40–0045 Student Financial Assistance Collection Files
18–40–0050 Presidential Scholars Files of Selected Participants
18–40–0078 Fellowships for Indian Students—Applications and Awards
18–40–0079 Potential and Actual Consultant, Field Reader, and Site Visitor Files, Indexes, and Lists
18–40–0080 Training and Development Awards for Vocational Education Personnel—Applications and Awards
18–40–0081 Women Administrators in Vocational Education
18–42–0016 Northwest Regional Educational Laboratory, Experience Based Career Education Record System
18–42–0019 Far West Laboratory Experience Based Career Education Records System
18–42–0056 National Institute of Education, Sources and Effects of Teacher Expectations
18–42–0065 NIE Outside Experts
18–42–0078 Travel—Official Travel of NIE Personnel
18–42–0079 NIE Controlled Correspondence
18–42–0082 National Council on Educational Research Mailing Lists
18–42–0083 National Council on Educational Research—Current and Past Information on Members of the Council and Consultants

2. The following information explains the changes being made to the Index of Systems and System Numbers:

In System Number 18–20–0001 the system name is corrected to read:

"Fund for the Improvement of Postsecondary Education: FIPSE Field Readers".

System Number: 18–07–0002 and System Name: Congressional Correspondence Control System ED/OLPA/CS is added after 18–06–002 Biographies and Photographs of ED Officials.

System Number: 18–10–0002 and System Name: Investigating Material Compiled for Personnel Security and Suitability Purposes is added after 18–10–0001 Investigative Files of the Inspector General.

System Number: 18–11–0025 and System Name: Employee Suggestion Program Records, ED/OM/DODA is added after 18–11–0023 Unfair Labor Practice Records.

The System Numbers and System Names shown below are added after 218–40–0029 Guaranteed Loan Program—Inactive Loan Control Master File

18–40–0030 Guaranteed Loan Program—Loan Control Master File
18–40–0031 Guaranteed Loan Program Pre-Claims Assistance
18–40–0032 Record of Advances of funds for employees traveling for the Department of Education
18–40–0033 Department of Educational Financial Management Information System
18–40–0034 Teacher Corps Application for Intern Teacher Position
18–40–0036 Oral History of the Office of Education as dictated by former Commissions of Education
18–40–0044 Guaranteed Loan Program—Insurance Claims File
18–40–0045 Student Financial Assistance Collection Files
18–40–0050 Presidential Scholars Files of Selected Participants

System Number: 18–40–0081 and System Name: Women Administrators in Vocational Education is added after 18–40–0078 Fellowship for Indian Students—Applications and awards.

3. On page 29654 in column 3, System 18–40–0082: Health Education Assistance Loan Program (HEAL), Loan Control Master File is removed.

4. The following systems are corrected to read as follows:

18–06–0001

System name: Freedom of Information Case File and Correspondence Control Index. ED/OASPA/AU.

Change:

In line 2 of the Systen Name change "OASPA/AU" to "OLPA/ES".

System manager (s) and address: In line 2 change "4196" to "2089".

18–06–0002

System name: Biographies and Photographs of ED Officials. ED/OLPA/N.

Change:

In line 2 of the System Name change "OASPA/N to "OLPA".

System Location: In line 3 change "2089" to "2097".

Purposes: In line 2 after "to" insert "the media and".

Retrievability: In line 2 after "to" insert "the media and".

Safeguards: In line 1 change "offices" to "Office of Legislation and".

System manager (s) and address: In line 2 remove "News Division". In line 2 change "2089" to "2097".

18–08–0001

System name: Case Information Management System ED/OCR

Change:

Authority for maintenance of system: In line 4 remove the "period" after "1973" and insert "and Age Discrimination Act of 1975".

Change:

Appendix I: This system is located at ED offices in the following cities:

In line 15 change "Region VI" to "Region V";

In line 18 change "Region VIII" to "Region VI";

In line 20 change "Region VIII" to "Region VII";

In line 23 change "Region IX" to "Region VIII";

In line 26 change "Region X" to "Region IX";

In line 28 change "Region XI" to "Region X".

18–08–0002

System name: Complaint Files and Log, Office of Planning and Compliance Operations. ED/OCR/OPCO.

Change:

Categories of individuals covered by the system: In line 5 remove the

"period" after "Act" and insert ", and the Age Discrimination Act of 1975."

Authority for maintenance of the system: In line 5 remove the "period" after "Act" and insert ", and the Age Discrimination Act of 1975."

Storage: In line 1 remove "and file cards" and insert a "period".

18–09–0002

System name: OGC–Attorney Applicant Files. ED/OGC.

Change: System location: In lines 2 and 3 change "18–40–0062" to 18–09–0001"

18–11–0001

System name: Department of Education Motor Vehicle Operation Records. ED/OASM.

Changes:

System manager (s) and address: in line 3 change "09900006" to "18–11–0007".

18–11–0002

System name: Departmental Parking Control Policy. ED/OSAM/PARM.

Change:

System location: In line 2 change "1077" to "1175".

18–11–0006

System name: Telephone Directory/Locator System. ED/OSAM.

Change:

System manager (s) and address: Insert under line 1: "Room 1127, FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202".

18–11–0009

System name: Discrimination Complaints Records System. ED/AS/EEOS.

Change:

On page 29614, column 1, insert before the System Name above "18–11–0009".

18–11–0011

System name: Employee Appraisal Program Records. ED/ASM/DASHR/DPRM.

Change:

System location: In line 3 remove "09900006" and insert "18–11–0007".

18–20–0001

System name: Support for Improvement of Postsecondary Education; Field Readers to Review Proposals for ED/OERI FIPSE.

Changes:

Remove lines 1, 2, 3, and 4 in the System Name above and insert "Fund for the Improvement of Postsecondary Eduation; Field Readers to Review Proposals for ED. ED/OPE/FIPSE"

Categories of records in the system: Remove lines 1, 2, and 3 and insert "Brief personal data sheets."

Authority for maintenance of the system: In line 1 remove "44 U.S.C. 3101" and insert "20 U.S.C. 1135 and 3462".

18–40–0002

System name: Registry for Deaf-Blind Children/Regional-National. ED/OSERS.

Change:

System manager(s) and address: In line 2 remove "4046" and insert "3153".

18–40–0003

System name: Student Participants in Deaf-Blind Programs under Centers and Services for Deaf-Blind Children. ED/OSERS.

Changes:

System manager(s) and address: In line 2 remove "4046" and insert "3151".

18–40–0004

System name: Parent Participants in Deaf-Blind Programs provided by Regional Centers for Deaf-Blind Children. ED/OSERS.

Changes:

System manager(s) and address: In line 2 remove "4046" and insert "3151" In Appendix I—Program for Deaf-Blind Children and Youth.

After "Mid-Atlantic Region: New Jersey, New York, Delaware, Puerto Rico, Virgin Islands, New York Institute for Education of the Blind, 999 Pelham Parkway, Bronx, NY 10469".

Insert "Mountain Range Region: Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah, Wyoming Mountain Range Regional, 165 Cook Street, Denver, CO 80206";

And after "Midwest Region: Michigan, Indiana, Wisconsin, Minnesota, Michigan Department of Education, 5th Floor, Davenport Building, Ottawa and Capitol Streets, Lansing, MI 48933",

Insert "South Central Region: Arkansas, Iowa, Louisiana, Missouri, Oklahoma South Central Regional, Deaf Blind Center, 2930 Turtle Creek Plaza, Dallas, TX 74204".

18–40–0006

System name: Participants of Projects Serving Severely Handicapped Children and Youth. ED/OSERS

Change:

Appendix II: In lines 77 and 78, column 1, page 29630 remove "1550 N.E. Loop 410, San Antonio, TX 78209" and insert "1314 Hines Avenue, San Antonio, TX 78208".

18–40–0007

System name: Participants in Workshops Concerning Severely Handicapped Children and Youth. ED/OSERS/BEH.

Changes:

In line 3 of the System Name above remove "BEH" and insert "OSE"

Categories of individuals covered by system: In line 2 change "BEH" to "OSE".

System manager(s) and address: In line 1 change "BEH" to "OSE".

18–18–0002

System name: Law Enforcement Education System.

Before the System Name above, remove the number "18–18–0002" and insert "18–40–0010". Change the location of the entire entry by placing it after System number 18–40–0007 on page 29630 but before System number 18–40–0011 on page 29631.

Change:

System location: Remove lines 1, 2, and 3 and insert:

"Room 3661, GSA Building, 7th & D Streets SW., Washington, D.C. 20202"

"Room 4003, 425 I Street NW., Washington, D.C. 20530"

Routine uses of records maintained in the system including categories of users and the purposes of uses: Remove lines 8–18.

System manager(s) and address: In line 2 remove "ROB–3" and insert "GSA Building".

18–40–0012

System name: Migration and Refugee Assistance Act of 1962—United States Loan Program for Cuban Students. ED/OPSE/OSFA.

Changes:

In line 3 of the System Name above, change "OPSE" to "OPE".

System location: In lines 2 and 3 remove "1200 Main Tower Building, Dallas, TX 75202" and insert "101 Marietta Tower, Third Floor, Atlanta, GA 30323."

System manager(s) and address: In lines 2 and 3 remove "1200 Main Tower Building, Dallas, TX 75202" and insert "101 Marietta Tower, Third Floor, Atlanta, GA 30323."

18–40–0013

System name: National Defense Direct Student Loan Program—Request for Cancellation of Loan on Ground Permanent and Total Disability. ED/OPE/OSFA.

System location: In line 1 remove "ROB–3" and insert "GSA Building,".

Change:

18–40–0014

System name: Pell Grant Application File. ED/OPSE/OFSA.

Changes:

In line 2 of the System Name change "OPSE" to "OPE".

System location: In line 1 remove "ROB–3," and insert "GSA Building,".

System manager(s) and address: In line 2 remove "ROB–3," and insert "GSA Building,".

18–40–0015

System name: Pell Grant Student Eligibility Report Sub-system. ED/OPSE/OSFA.

Changes:

In line 2 of the System Name change "OPSE" to "OPE".

System location: In line 1 remove "ROB–3," and insert "GSA Building,".

System manager(s) and address: In line 2 remove "ROB–3", and insert "GSA Building,".

18–40–0016

System name: Pell Grant Alternate Disbursement System. ED/OPSE/OSFA.

Changes:

In line 2 of the System Name change "OPSE" to "OPE".

System location: In line 1 remove "ROB–3", and insert "GSA Building,".

System manager(s) and address: In line two remove "ROB–3," and insert "GSA Building,".

18–40–0017

System name: Student Financial Assistance Validation File. ED/OPSE/OSFA.

Changes:

In line 2 of the System Name above change "OPSE" to "OPE".

System location: In line 1 remove "ROB–3," and insert "GSA Building,".

System manager(s) and address: In line 2 remove "ROB–3," and insert "GSA Building,".

18–40–0018

System name: Mutual Educational and Cultural Exchange Act Teacher Exchange Participants and Applicants. ED/OPSE/IE

Changes:

In line 3 of the System Name above change "OPSE" to "OPE".

System location: In line 1 remove "ROB–3," and insert "GSA Building,"

Categories of individuals covered by the system: In line 8 after "approval," insert "when required,"

Routine uses of records: In line 7 after "position" insert "or study".

System manager(s) and address: Remove lines 1, 2, and 3 and insert "Chief, Teacher Exchange Branch, Division of International Services and Improvement, International Education Programs, U.S. Department of Education, Room 3069, GSA Building, Washington, D.C. 20202".

18–40–0019

System name: National Defense Education Act Foreign Language and Areas Studies Fellowship Program—Fellows and Alternates. ED/OPSE/IE

Change:

Remove lines 1, 2, 3, and 4 in System Name above and insert "National Resource Fellowship. ED/OPE/IE."

System location: In line 1 change "Room 3671" to "Room 3916" and remove "ROB–3," and insert "GSA Building,"

Categories of records in the system: Remove lines 4, 5, and 6 and insert "and previous awards held."

Authority for maintenance of system: In line 1 remove "National Defense" and insert "Higher", and in line 2 change "1958" to "1965".

18–40–0020

System name: Mutual Educational and Cultural Exchange Act—Doctoral Dissertation Research Abroad and Faculty Research Abroad, Fellows and Alternate. ED/OPSE/IE

Changes:

In the System Name above, change "OPSE" to "OPE"

System location: In line 1 change "ROB–3," to "GSA Building,".

18–40–0021

System name: Student Financial Assistance—Compliance Files. ED/OPSE/OSFA

Changes:

In the System Name above change "OPSE" to "OPE".

System location: In line 1 change "ROB–3," to "GSA Building,"

System manager(s) and address: In line 2 change "ROB–3," to "GSA Building,".

18–40–0022

System name: Student Financial Assistance—Student Complaint Files. ED/OPSE/OSFA.

Changes:

In the System Name above change "OPSE" to "OPE".

System location: In line 2 change "ROB–3," to "GSA Building,"

System manager(s) and address: In line 2 change "ROB–3," to "GSA Building,".

18–40–0024

System name: Guaranteed Loan Program—Loan Application File. ED/OPSE/OSFA.

Changes:

In the System Name above change "OPSE" to "OPE".

System location: In line 1 change ROB–3," to "GSA Building,".

System manager(s) and address: In line 2 change "ROB–3," to "GSA Building,".

18–40–0025

System name: NDSL Student Loan Files. ED/OPSE/OSFA

Changes:

In the System Name above change "OPSE" to "OPE".

System location: In line 1 change "ROB–3," to "GSA Building,".

18–40–0026

System name: Guaranteed Loan Program—Paid Claims File. ED/OPSE/OSFA

Changes:

In the System Name above change "OPSE" to "OPE".

System location: In line 1 change "ROB 3," to "GSA Building,".

18–40–0027

System name: Guaranteed Loan Program—Claims and Collection Master File. ED/OPSE/OSFA.

Change:

This system is repeated on page 29644. Remove entire entry of 18–40–0027 from pages 29644 and 29645.

18–40–0028

System name: Guaranteed Loan Program-Collection Letters. ED/OPSE/OSFA.

Changes:

In the System Name above change "OPSE" to "OPE".

Storage: In line 3 remove "at the beginning of this system (18–40–0028)." and insert "at the above name locations."

System manager(s) and address: In line 2 change "ROB–3" to "GSA Building,".

18–40–0029

System name: Guaranteed Loan Program—Inactive Loan Control Master File. ED/OPSE/OSFA.

Changes:

In the System Name above change "OPSE" to "OPE".

Storage: In lines 3 and 4 remove "at the beginning of this system (18–40–0029)" and insert "at the above named location."

System manager(s) and address: In line 2 change "ROB–3," to "GSA Building,".

18–40–0031

System name: Guaranteed Loan Program—Pre-Claims Assistance. ED/OPSE/OSFA.

Changes:

In the System Name above change "OPSE" to "OPE".

Storage: In lines 3 and 4 remove "at the beginning of this system (18–40–0031)." and insert "at the above name location."

System manager(s) and address: In line 2 change "ROB–3," to "GSA Building,".

18–40–0034

System name: Teacher Corps Applications for Intern Teacher Position. ED/OERI/EPDD.

Change:

System location: Remove lines 5 and 6 and insert "720 Riviere Building, 1832 M Street, NW., Washington, D.C.

Categories of records in the system: In line 6 remove "Center" and insert "project".

Retriveability: In line 4 remove "Recruitment Center" and insert "project";

In line 9 remove "panels" and insert "panel";

In line 10 remove "Center" and insert "project".

Safeguards: In lines 1 and 2 remove "Recruitment and Technical Resources Center" and insert "project".

18–40–0044

System name: Guaranteed Loan Program—Insurance Claims File.ED/OPSE/OSFA.

Change:

In the System Name above change "OPSE" and "OPE".

18–40–0045

System name: Student Financial Assistance Collection Files. ED-OPSE/OSFA.

Changes:

In line 2 of the System Name above change "OPSE" to "OPE".

System location: Remove lines 1 and 2 and insert "(See Regions IV, V, and XI of appendix EOE 2-system 18–40–0044)".

18–40–0082

System name: Health Education Assistance Loan Program (HEAL) Loan Control Master File. ED/OPse/OSFA.

Change:

Remove the entire entry for System Number 18–40–0082 and System Name.

5. Following are four previously established notices of systems of records that failed to appear in the annual publication of June 2, 1981:

18–07–0002

SYSTEM NAME: CONGRESSIONAL CORRESPONDENCE CONTROL SYSTEM ED/OLPA/CS.

SECURITY CLASSIFICATIN;

None.

SYSTEM LOCATION:

400 Maryland Avenue SW., FOB–6—Room 4119, Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress indexed by name.

CATEGORIES OF RECORDS IN THE SYSTEM:

Control information recording, direct inquiries and referrals of constituents' inquiries from Members of Congress, and responses to those inquiries, regarding the Department's activities, including, but not necessarily limited to:

a. General program activities of the Department;

b. Individual case problems of named persons, families or institutions;

c. Employment or appointment interests; and

d. Control slips identifying the correspondent, the constituent on whose behalf the inquiry is made and a summary of the subject of the inquiry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide response to inquiries from a member of Congress made on behalf of a constituent regarding the Department's activities, including, but not limited to general program activities of the Department.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Inquiries which do not pertain to ED, but fall under the jurisdiction of another Federal Agency, are transferred to the Agency with a request that a direct response be provided to the correspondent. 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 that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in hard copy filed in standard file cabinets.

RETRIEVABILITY:

Records are indexed alphabetically by name of the members of Congress. Inquiries are forwarded to the ED office which has jurisdiction over the subject matter for preparation of a response.

SAFEGUARDS:

Records are kept in the responsible Department Office with access limited to those whose official duties reqire access. The computer terminal is protected with individual user identification numbers and passwords to the computer system.

RETENTION AND DISPOSAL:

Records are maintained for two years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Congressional Services, 400 Maryland Avenue SW., FOB–6, Room 4119, Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager at the above address. The inquirer should indicate the name of the member of Congress who corresponded with the Department, the name of the referenced constituent, the subject matter, and the date of the correspondence.

RECORD ACCESS PROCEDURES:

Same as notification procedures. (These access procedures are in accordance with Department Regulations (34 CFR 5b.5 and 5b.13, 45 FR 30810, May 9, 1980).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

The information in CCU files is provided by the correspondent and by the agency which prepares the final response.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18–10–0002

SYSTEM NAME:

Investigatory Material Compiled for Personnel Security and Suitability Purposes. ED/OIG.

SECURITY CLASSIFICATION:

None for the system; however, a portion of the records within the system is classified.

SYSTEM LOCATION:

Office of the Inspector General; U.S. Department of Education, Room 4200, Switzer Building, 330 C Street SW., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants, former employees, employees, and others doing business with the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Security investigations case files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended.

PURPOSE(S):

Records in this system are maintained to assist the Inspector General and other responsible officials in determining whether the appointment and retention of ED employees is consistent with the national security and whether they are otherwise suitable for employment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used as follows: (1) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (2) A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter; (3) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant therein, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether State or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (4) 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 that individual; (5) In the event of litigation where the defendant (one of the parties) is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in security-type vaults or safes or lock bar file cabinets with manipulation-proof combination locks.

RETRIEVABILITY:

The records are alphabetically indexed by name of the individual subject of the file or by cross reference to another file. Access within ED is limited to the Secretary, and on a need-to-know basis to other officials having program management responsibility.

SAFEGUARDS:

Access is restricted to authorized staff members and other officials and employees on a need-to-know basis. Direct access to the safes in which the records are stored is limited to security personnel.

RETENTION AND DISPOSAL:

Security investigative records on individuals who occupy sensitive positions are maintained during the term of their employment. Other security investigative records are maintained for ten years if subject to Executive Order 10450, as amended. All other files are destroyed after three years.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General/Assistant Inspector General for Policy, Planning, and Management Services, U.S. Department of Education, Room 4200 Switzer Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NOTIFICATION PROCEDURES:

Exempt; however, consideration will be given requests addressed to the system manager. For general inquiries, include the name and date of birth of the individual.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters also should reasonably specify the record contents being sought. (These access procedures are in accordance with the Department's Privacy Act Regulations (34 CFR 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under system manager(s) and address above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with the Department's Privacy Act Regulations (34 CFR 5b.7)).

RECORD SOURCE CATEGORIES:

Department and other Federal, State and local Government records; interview of witnesses; documents and other material furnished by non-Government sources. Sources may include confidential sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

As indicated in 34 CFR 5b.11(b)(2)(iv)(A) individuals will be provided information from this record system except when in accordance with the provisions of 5 USC 552a(k)(5): 1) disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or 2) if the information was obtained prior to September 27, 1975, disclosure of such information would reveal the identity of a source who provided information under an implied promise that the identity of the source would be held in confidence.

18-11-0025

SYSTEM NAME:

Employee Suggestion Program Records, ED/OM/DODA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This system is located in the Office of the ED Suggestion Officer, Room 4409, Switzer Building, 330 C Street SW., Washington, D.C. 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made suggestions in ED, and/or suggestions made by individuals in other Federal Departments requiring an ED evaluation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Suggestions, evaluations of suggestions, names and office addresses of individuals submitting suggestions; other identifying information, if provided, such as salary, grade, position title, and social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 4501 *et seq.*

PURPOSE(S):

Records in this system are used to control, evaluate, and make award determinations on employee suggestions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To the Office of Personnel Management for information, possible award. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in standard sized file cabinets.

RETRIEVABILITY:

The records are maintained by fiscal year with a sequential identifier for a particular suggestion. Retrieval by individual employee can only be made by a search of each file.

SAFEGUARDS:

Direct access restricted to authorized staff.

RETENTION AND DISPOSAL:

Suggestion records are maintained for at least two years, after which time they are sent to the Federal Record Center.

SYSTEM MANAGER(S) AND ADDRESS:

ED Suggestion Officer, U.S. Department of Education, Room 4409B, Switzer Building, Washington, D.C. 20202.

NOTIFICATION PROCEDURES:

Individuals who have submitted suggestions are aware of the fact and of any evaluations contained in their record. They may, however, write the ED Suggestion Officer regarding the existence of records pertaining to them. The inquirers should provide their names or any other personal identifiers to be searched when making inquiries about records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requester also should reasonably specify the records content being sought.

CONTESTING RECORD PROCEDURES:

Same as records access procedures.

RECORDS SOURCE CATEGORIES:

Incoming suggestions, responses, evaluations, and awards made, if applicable.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-40-0030

SYSTEM NAME:

Guaranteed Loan Program—Loan control Master File. ED/OPE/OSFA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

7980 Gallows Court, Vienna, VA 22180.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Borrowers who have applied for or received educational loans under the provisions of Title IV-B of the Higher Education Act of 1965.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, social security number, demographic background, educational status, loan status and

family financial information of individual for whom the record is maintained. Contains lender and school identification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Higher education Act of 1965, Title IV–B, as amended (20 U.S.C. 1071–1087–4).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES FOR SUCH USES:

The information may be furnished to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to guarantee agencies, to educational and financial institutions, to credit bureaus and collection agencies, and to agency contractors, in order to verify the identity of the applicant, to determine program eligibility and benefits, to enforce the conditions or terms of the loan, to permit servicing or collecting of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and verify compliance with program regulations, or to locate a delinquent or defaulted borrower. To schools and lenders for loan status information and record reconciliation; to borrowers and applicants for status of loan applications; to contractors for updating program records and processing documents; to State Guarantee Agencies for loan status information. To an educational agency or lending instituion against which a complaint has been made; and for uses 1, 3, 4, 5, 6, 8, and 9 in Appendix B of the Department's Privacy Act Regulations (34 CFR 5b). 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 that individual. In the event of litigation where one of the parties is (a) the Department, any component of the Department,or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The file is maintained on magnetic tape/disk packs in a library room area at the above named location.

RETRIEVABILITY:

The file is indexed by social security number. Data are utilized to provide OSFA staff with statistical and managerial reports. Other uses by OSFA staff are to identify students participating in the Guaranteed Loan Program; determine eligibility of loan application; reflect eligibility for interest benefits; determine loan status of borrower; compute insurance premium for Federally Insured Loans; compile and generate managerial and statistical reports; research records for inquiry responses; reflect interest rates for individual loans; update file and correct errors.

SAFEGUARDS:

Direct access is restricted to authorized OSFA staff or contracted personnel.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Room 4636, GSA Building, 7th and D Streets SW., Washington, D.C. 20202.

NOTIFICATION PROCEDURE:

If an individual wishes to determine whether a record exists for him or her in the system of records, the individual should provide to the system manager his or her name and social security number.

RECORD ACCESS PROCEDURES:

If an individual wishes to gain access to a record in this system, he or she should contact the system manager and provide information as described in the notification procedure above.

CONTESTING RECORD PROCEDURES:

If an individual wishes to change the content of a record in the system of records, he or she should contact the system manager with the information described above in the notification procedure, identify the specific items to be changed, and provide a written justification for the change.

RECORD SOURCE CATEGORIES:

Information is obtained from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, lenders/schools, medical reports, employers, credit agencies, and Federal and State governmental agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82–10790 filed 4–19–82; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 82–CERT–007]

Nebraska Municipal Power Pool; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On March 15, 1982, Nebraska Municipal Power Pool (NMPP), 1335 L Street, Lincoln, Nebraska 68508, acting on behalf of seven of its members, the Board of Public Works of the City of Auburn, Nebraska (Auburn); the Board of Public Works of the City of Fairbury, Nebraska (Fairbury); the City Utilities Department of the City of Wahoo, Nebraska (Wahoo); the City Utilities Department of the City of West Point, Nebraska (West Point); the City Utilities Department of the City of Crete, Nebraska (Crete); the City Utilities Department of the City of Tecumseh, Nebraska (Tecumseh); and the Village Board of Trustees of the Village of Pender, Nebraska (Pender), filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for recertification of an eligible use of approximately 7,080 Mcf per day of natural gas. This natural gas is estimated to displace the use of 10,050 gallons (239 barrels) per day of No. 6 fuel oil (0.5 percent sulfur) at the Fairbury facility and 35,000 gallons (833 barrels) of No. 2 fuel oil (0.3 percent sulfur) per day at the six remaining municipal generating facilities. The eligible seller of the natural gas is Esperanza Transmission Company (Esperanza) and the gas will be transported by the Northern Natural Gas Company, an interstate pipeline, and local distribution companies will make deliveries to all seven facilities. Notice of that application was published in the **Federal Register** (47 FR 13550, March 31, 1982) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On March 6, 1981, NMPP received a recertification (ERA Docket No. 81–CERT–001) of an eligible use of natural

gas purchased from Esperanza for use by the seven members for a period of one year. The recertification expired on March 25, 1982. Due to the lateness in the applicant's filing for recertification and the necessity for providing the public an opportunity for comment, continuity with the earlier recertification was not possible. NMPP informed ERA that no natural gas was being used to displace fuel oil at the close of the earlier recertification period and that no loss of oil displacement would occur as a result of delay in issuing this recertification.

The ERA has carefully reviewed NMPP's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that NMPP's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information, including a copy ot the application, transmittal letter, and the actual recertification is available for public inspection at the ERA, Natural Gas Branch Docket Room, Room 6144, RG–631, 12th & Pennsylvania Avenue, NW., Washington, D.C., 20461, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on April 15, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–10679 Filed 4–19–82; 8:45 am]

BILLING CODE 6450–01–M

Thomas J. DeLany; Proposed Remedial Order

Pursuant to 10 CFR 205.192(e), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Thomas J. DeLany. This Proposed Remidial Order charges DeLany with pricing violations in the amount of $943,197.00 connected with the sale of fuel oil during the period from October 1, 1973 through June 30, 1975.

A copy of the Proposal Remedial Order with confidential information deleted may be obtained from Robert J. McKee, Jr., Director, Philiadelphia Field Office, ERA, (215) 597–2633. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania on the 13th of April, 1982.

Dated: April 13, 1982.

Robert J. McKee, Jr.,

Director, Philadelphia Field Office, Economic Regulatory Administration, Department of Energy, 1421 Cherry Street—10th Floor, Philadelphia, Pa. 19102.

[FR Doc. 82–10875 Filed 4–19–82; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. ER81–179–000]

Arizona Public Service Co.; Refund Report

April 12, 1982.

Take notice that, on January 4, 1982, the Arizona Public Service Company filed a refund report pursuant to the Commission's order of November 13, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 20, 1982. Comments will be considered by the Commission in determining the appropriate Action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–10720 Filed 4–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6055–000]

Malcolm S. Brown; Application for Preliminary Permit

April 14, 1982.

Take notice that Malcolm S. Brown (Applicant) filed on march 4, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6055 to be known as the Lake Jefferson Project located on the East Branch of Callicon Creek, and Lake Jefferson in Sullivan County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Malcolm S. Brown, 644 East 24th Street, Brooklyn, New York 11210.

Project Description—The proposed project would consist of: (1) The existing dam 30 feet high and 225 feet long; (2) a reservoir having a normal water surface elevation of 1,081 feet msl, a surface area of approximately 45 acres, and a storage capacity of approximately 413 acre-feet; (3) a new 4-foot diameter penstock 50 feet long; (4) a new powerhouse with two generating units having a total capacity of 150 kW; (5) an existing tailrace; (6) a new 4.8-kV transmission line 225 feet long; (7) a new access road 225 feet long; and (8) appurtenant facilities. Applicant estimates annual energy production would be 696,000 kW-hrs. The project energy would be sold to the New York State Electric & Gas Company. The existing project facilities are owned by Ludwigg Grupp.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $400,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 26, 1982, the competing application itself [see: 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such a application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 28, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to

intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 28, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Steet, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10762 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER82-155-000 and ER81-188-000]

Central Maine Power Co.; Order Denying Rehearing

Issued: April 13, 1982.

On February 12, 1982, the Commission accepted for filing and suspended for one day from sixty days after filing revised rates filed by Central Maine Power Company for firm power service to three wholesale customers. The Commission also summarily disposed of certain matters, including two resale restrictions which the Commission rejected as *per se* unlawful.

On March 28, 1982, Central Maine filed a petition for rehearing alleging that the Commission erred both procedurally and substantively in rejecting the two resale restrictions. Procedurally, Central Maine argues that the Commission apparently had not considered the facts offered by Central Maine in defense of the provisions and that the Commission's order failed to detail that defense in response to the intervenors' allegations. The Commission cannot be expected to set forth every fact or argument raised in every pleading and then distinguish or dispose of each at length. Given the magnitude of the Commission's workload, the limited period available in which to act on rate increase filings, and the time consumed by public comment and response, this would be impracticable if not impossible. The fact that Central Maine's response was acknowlegded in the subject order indicates that the Commission has considered the pleading and given the company's arguments such weight as was deemed appropriate.

Substantively, Central Maine contends that the two resale restrictions, as pricing mechanisms rather than provisions promoting orderly system planning, make Commission reliance on the orders cited inappropriate. Our prior decisions, however, are clear. Resale restrictions which prevent the further wholesaling of power and energy are anticompetitive *per se*. They permit a utility to eliminate potential competition by wholesale customers or, at the least, substantially inhibit such potential competition. Direct resale restrictions are thus unjust and unreasonable and they will be declared *per se* unlawful and will be rejected since any legitimate purpose they seek to accomplish may be accomplished by other, less restrictive means.[1] Although the Commission's prior decisions involved resale restricitons purported to be justified by a need to promote orderly system planning, they apply here as well, despite Central Maine's claim that its resale restrictions constitute mere pricing mechanisms. We believe that the suggested difference in justification does not sufficiently distinguish Central Maine's two resale restrictions; the nature and intent of the provisions closely resemble those found in our earlier orders despite Central Maine's protests to the contrary. Whatever the purported justification, however, direct resale restrictions such as those found here are *per se* unlawful for the reasons noted here as well as in our prior orders and should be rejected in favor of less restrictive alternatives.

Accordingly, we shall deny Central Maine's petition for rehearing, but we shall allow Central Maine to substitute for the stricken resale restrictions the fixed capacity limitations on embedded cost power currently contained in the compliance filing.[2] We have allowed such substitutions in our earlier orders and we believe that it is proper here as well. We do not, however, express our approval of this language but merely allow it to be accepted for filing as a substitute for the stricken language; it may be considered a subject of litigation by the parties or staff like any other tariff provision.

On March 15, 1982, Central Maine's three wholesale customers (Customers) filed an application for rehearing challenging the Commission's one day suspension as inappropriate under the standards explained in *West Texas Utilities Company*, Docket No. ER82-23-000 (February 26, 1982). The Customers contend that both before and after summary disposition, the rates proposed by Central Maine are more than 10 percent excessive. Our suspension decision is a discretionary decision based on a "first-cut" preliminary review made within a relatively short statutory time period; to allow for some imprecision or error in that review we have adopted a 10 percent margin of error in order to arrive at an appropriate suspension period.[3] Although the

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[1] *Gulf States Utilities Co.*, Docket No. ER76-816 (October 20, 1978). *Accord, Louisiana Power & Light Co.*, Opinion No. 110, Docket No. ER77-533 (Phase I) (January 28, 1981); *Central Telephone and Utilities Corp.*, Docket No. ER80-113 (March 4, 1980), *Village of Penn Yan, New York*, Docket No. EL78-29 (March 28, 1979); *Empire District Electric Co.*, Docket No. ER78-591 (October 27, 1978). Earlier Commission precedent to the contrary, upon which Central Maine relies, is no longer controlling for in *Gulf States Utilities Company, supra*, we state that we would thereafter consistently apply this analysis and strike down such resale restrictions.

[2] The language which Central Maine proposes to substitute is as follows:

Service under this rate shall not be available to any customer in quantities (in kilowatts) larger than such customer was entitled to take at embedded cost rates by contract or under applicable tariffs on December 14, 1981.

Although we make no findings as to the merits of this alternative proposal, we note that the proposed language and its intended purpose raise potential concerns. Such restrictions may be broadly restrictive and potentially anticompetitive as well as conceivably unjust and unreasonable. While we shall permit the substitution, we believe that this language and the suggested intent is a matter which should be explored at hearing. *See, e.g., Indiana & Michigan Electric Co.*, Opinion No. 95, Docket Nos. E-9329, *et al.* (September 2, 1980); *Electric and Water Plant of the City of Frankfort v. Kentucky Utilities Co., et al.*, Opinion No. 15-A, Docket Nos. E-7704, *et al.*, (July 2, 1980); *Florida Power & Light Co.*, Opinion No. 57, Docket Nos. ER78-19, *et al.*, (August 3, 1979).

[3] *Papago Tribal Utility Authority v. FERC*, 610 F.2d 914 (D.C. Cir. 1979); *Municipal Light Boards v. FPC*, 450 F.2d 1341 (D.C. Cir. 1971), *cert. denied* 405 U.S. 989 (1972); *West Texas Utilities Co.*, Docket No. ER82-23-000 (February 26, 1982); *Central Power & Light Co.*, Docket No. ER81-387-000 (July 27, 1981); *Boston Edison Co.*, Docket No. ER80-508 (January 7, 1981); *Connecticut Light & Power Co.*, Docket No. ER78-517 (November 7, 1980).

Customers raised issues which are appropriate matters to be addressed at hearing and which may ultimately affect our final decision as to just and reasonable rates, our preliminary examination, based upon the information available and established precedent or policy, indicated that after the various summary dispositions, the rate increase appeared to be within the stated 10 percent margin of error.[4] Accordingly, we concluded that a one day suspension was appropriate. The Customers have provided no additional facts or arguments which would warrant a change in our determinations as to the length of the suspension period and so we shall likewise deny the Customers' application for rehearing.

The Commission orders:

(A) The applications for rehearing of Central Maine Power Company and of the Customers are hereby denied.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10735 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5296-001]

Champlain Narrows Improvement Co.; Application for Exemption From Licensing of a Small Hydroelective Project of 5 Megawatts or Less

April 14, 1982.

Take notice that Champlain Narrows Improvement Company filed with the Federal Energy Regulatory Commission on March 22, 1982, an application for exemption for its Champlain Spinners Project No. 5296-001 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Champlain Barge Canal Lock No. 12 in the town of Whitehall, Washington County, New York. Correspondence with the Applicant should be directed to: Mr. Stephen F. Burke, 620 Washington Avenue, Rensselaer, New York 12144.

Project Description—The proposed project would consist of: (1) An existing 7 to 13-foot high, 90-foot long concrete dam with an 8-foot high movable steel gate; (2) an existing 10-foot high, 26-foot long forebay inlet; (3) a 20-foot high, 80-foot long concrete forebay outlet containing seven independent siphons; (4) an existing 240-acre reservoir at elevation 110.82 feet U.S.G.S. with no usable storage capacity; (5) an existing powerhouse containing 2 existing 140-kW turbine-generators to be rehabilitated and a new 285-kW turbine-generator; (6) a tailrace channel; (7) a transmission line; and (8) appurtenant facilities. The project would generate up to 2,705,000 kWh annually. Energy produced at the project would be sold to Niagara Mohawk Power Corporation.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before June 7, 1982, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than October 5, 1982. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10763 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6129-000]

Charles River Hydroelectric Power Co.; Application for Preliminary Permit

April 13, 1982.

Take notice that Charles River Hydroelectric Power Company (Applicant) filed on March 29, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6129 to be known as the Silk Mill Project located on the Charles River in the towns of Needham and Dedham, Middlesex, Norfolk and Suffolk

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[4] The Commission has consistently looked at the rate net of summary disposition in determining an appropriate suspension period. As the rate net of summary disposition is the rate that will be charged to jurisdictional customers until the issuance of a final Commission order, it is appropriate that this rate be used for purposes of imposing a suspension period. *See Ohio Edison Co.*, Docket No. ER82-79-000 (March 4, 1982) (as corrected by an erratum issued March 8, 1982); *Union Electric Co.*, Docket No. ER81-450-000 (September 24, 1981).

[1] Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§ 2705 and 2708).

Counties, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Jason M. Cortell, 244 Second Avenue, Waltham, Massachusetts 02154, (617) 890–3737.

Project Description—The proposed project would consist of: (1) An existing 12-foot high, 60-foot long concrete dam with a hydraulic crest gate: (2) an existing 800 acre pond with a usable storage capacity of 200 acre-feet at elevation 84.5 feet M.S.L.; (3) a new intake and 200-foot long, 6-foot diameter penstock; (4) a new powerhouse containing turbine-generators with a total rated capacity of 275 kW; (5) a new 100 to 200-foot long transmission line; and (6) appurtenant facilities. The project would generate up to 1,325,000 kWh annually. The dam is owned by the Metropolitan District Commission.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under this preliminary permit would include economic evaluation, studies of compatability with the fishway proposed by the MDC, engineering plans, and an environmental assessment. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $87,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 26, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 25, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 25, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICANT," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10721 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-252-000]

Colorado Interstate Gas Co.; Application

April 14, 1982.

Take notice that on March 22, 1982, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP82-252-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an 800 horsepower compressor station and appurtenant facilities in Fremont County, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the construction and operation of an 800 horsepower gas-fired reciprocating engine-driven compressor facility near the existing Madden Regulator Station and adjacent to the Lost Cabin Compressor Station and the Wind River Lateral in Fremont County. It is asserted that this new facility would be designated the Madden Field Compressor Station. Applicant estimates the cost of the proposed facilities to be $887,800 which would be financed from current funds on hand, funds from operations, short-term borrowings or long-term financing.

It is asserted that the proposed compressor station would be used to offset the anticipated increase in main line pressure required by increased production and transportation volumes on the Wind River Lateral. It is stated that the proposed facilities would allow Applicant to maintain production from the Madden Field.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.,10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its desginee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10764 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-442-000]

Consumers Power Co.; Filing

April 14, 1982.

The filing Company submits the following:

Take notice that Consumers Power Company on April 5, 1982 tendered for filing a Coordinated Operating Agreement between Consumers Power Company and the Michigan South Central Power Agency ("the Agency"). The aforementioned Agreement is dated November 4, 1981 and is to become effective on the commercial operation date of the Agency's Project I Generating Plant, which is expected to be about July 1, 1982.

The Agency is a public body politic and corporate organized as a joint agency by the Cities of Coldwater, Hillsdale and Marshall and the Villages of Clinton and Union City in Michigan pursuant to PA 1976, No. 448, known as the Michigan Energy Employment Act of 1976, to undertake, among other things, to plan, finance, develop, own and operate projects to supply electric power and energy for the present or future needs of its members. The Coordinated Operating Agreement contains rates and charges for transactions between Consumers Power and the Agency including the purchase and sale of emergency capacity and energy, short term capacity and energy and economic energy.

Consumers Power states that copies of the filing were served on the Agency and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10736 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4810-001]

Dixie Escalante Rural Electric Association, Inc.; Application for Preliminary Permit

April 14, 1982.

Take notice that Dixie Escalante Rural Electric Association, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4810 to be known as the Virgin River Project located on the Virgin River in Washington County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Brent Gardner, Creamer and Noble, P.O. Box 1094, St. George, Utah 84770.

Project Description—The proposed project would consist of: (1) A new 275-foot long, 15-food high concrete diversion dam; (2) a 10 acre head-pond at elevation 3,642 feet M.S.L.; (3) a new 36,000-foot long diversion canal; 94) a new headgate and 1,000-foot long, 66-inch diameter penstock; (5) a new powerhouse containing turbine generators with a total rated capacity of 2,700 kW; (6) a tailrace channel; (7) a transmission line; and (8) appurtenant facilities. The project would be located on lands under the control of the Bureau of Land Management. The proposed project would generate up to 18,800,000 kWh annually for use of the Applicant's customers.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $200,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 28, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et. seq. 91981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 28, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than August 18, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 28, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission,

Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10765 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-104-000]

El Paso Natural Gas Co.; Petition To Amend

April 14, 1982.

Take notice that on March 30, 1982, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. G-104-000 a petition to amend the order issued in the instant docket pursuant to Section 3 of the Natural Gas Act so as to conform Commission authorized exportation of natural gas from the United States of America to Mexico with the terms and conditions ordered by the Economic Regulatory Administration at DOE/ERA Opinion and Order No. 18, *et seq.*, issued in ERA Docket No. 78-15-NG and to authorize pursuant to Section 4 of the Natural Gas Act the crediting to Petitioner's FERC Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies all revenues received by it from the exportation and sale of such natural gas which exceeded the revenues provided by the gas sales contract between Petitioner and Petroleos Mexicanos (Pemex) or those provided by the gas sales contract between Petitioner and Compania Minera de Cananea, S.A. de C.V. (Compania Minera), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

It is stated that by Commission orders issued September 10, 1940, November 12, 1947, June 7, 1962, and July 21, 1967, in the instant docket Petitioner was authorized to export natural gas from the United States to Mexico for a period extending through December 31, 1978. Petitioner asserts that by DOE/ERA Opinion and Order No. 18 issued on August 21, 1980, in ERA Docket No. 78-15-NG, it received amended authorization pursuant to Section 3 of the Natural Gas Act to continue the exportation of natural gas in accordance with the gas sales contract dated June 9, 1962, as amended, between Petitioner and Compania Minera. Petitioner explains that the ERA authorization was conditioned upon Petitioner charging Compania Minera the same price for natural gas exported to Mexico as that price paid for natural gas imported into the United States from Mexico. Petitioner states that the ERA also requires Petitioner to credit the difference between the revenues received attributable to the volumes of natural gas sold at the mandated export price and the revenues attributable to those same volumes of natural gas at the price under Petitioner's Rate Schedule B-1 effective at that time to its FERC Account 191 for distribution to Petitioner's customers.

Petitioner avers that in a joint offer of settlement filed with the ERA in ERA Docket No. 78-15-NG Petitioner and Compania Minera proposed, *inter alia*, the following:

(1) The export price condition in DOE/ERA Opinion and Order No. 18, *et seq.*, would be put into effect June 1, 1981;

(2) Amounts collected by Petitioner pursuant to the price condition imposed in DOE/ERA Opinion and Order No. 18, *et seq.*, for deliveries prior to June 1, 1981, would be refunded to Compania Minera; and

(3) Petitioner would file with the Commission for authorizations, as necessary, to implement the joint offer of settlement specifically requesting authorization to voluntarily credit Petitioner's FERC Account 191 with the amount of the difference between revenues received each month attributable to the volumes sold at the authorized export price and the revenues attributable to those same volumes at the price charged pursuant to Article IX, *Rate*, of the gas sales contract with Pemex dated February 26, 1981, (in the case of volumes delivered after June 30, 1981,) or Article X, *Rate*, of the gas sales contract with Compania Minera dated June 9, 1962, as amended (in the case of volumes delivered after May 31, 1981, and before July 1, 1981).

It is stated that the ERA approved the joint offer of settlement in DOE/ERA Opinion and Order No. 18F issued January 25, 1982, in ERA Docket No. 78-15-NG.

Petitioner states that it is uncertain whether the matters which are the subject of this petition require Commission approval under Section 3 of the Natural Gas Act. Petitioner therefore requests authorization, as may be necessary, pursuant to Section 3 of the Natural Gas Act to continue the exportation of natural gas from the United States to Mexico consistent with the terms and conditions imposed by the ERA. Furthermore, Petitioner requests specific authorization pursuant to Section 4 of the Natural Gas Act to voluntarily credit to its FERC Account 191 all revenues resulting from the mandated export price to the extent such revenues exceed the revenues otherwise provided for in the applicable gas sales contracts with Compania Minera and Pemex.

Petitioner asserts that the natural gas proposed to be exported under the requested authorization would be obtained from Petitioner's general sources of supply. It is stated that the rate to be charged Pemex for natural gas purchased from Petitioner is the price paid from time to time at the International Border for natural gas imported from Mexico by Border Gas Inc., as approved by the ERA. Petitioner avers that the contract pricing provisions affecting the crediting of Petitioner's FERC Account 191 provide the following:

(1) A rate per Mcf equivalent to the rate concurrently collected from time to time under Rate Schedule B-1 or superseding rate schedule (or rate for comparable service) of Petitioner's FERC Gas Tariff, Original Volume No. 1, or superseding tariff; plus

(2) For the period from commencement of deliveries hereunder through December 31, 1981, a rate per Mcf equal to 27.5 cents; for the period from January 1, 1982, through December 31, 1982, a rate per Mcf equal to 30.0 cents; and for every calendar year thereafter a rate per Mcf to be determined through mutual agreement of the parties but not less than the rate then in effect under this gas sales contract at the end of the previous calendar year; and

(3) As consideration for Petitioner's continued undertaking to protect service to its east-of-California customers including Pemex, Pemex agrees to pay Petitioner a surcharge amount computed in accordance with such provisions as may now or hereafter be in effect as part of Petitioner's FERC Gas Tariff or any successor tariff relating to any present or future load-equation and/or storage project or projects of Petitioner.

Petitioner submits that the facilities which are being used for the exportation of natural gas consist of a portion of Petitioner's interstate transmission system located in the State of Arizona extending to the delivery point near Monument 90 on the International Boundary with Mexico.

Petitioner states that it has exported natural gas continuously under these arrangements since June 8, 1931. It is asserted that for the twelve-month period ending February 28, 1982, the total volumes of natural gas delivered aggregated 1,065,671 Mcf. Petitioner explains that the quantities of natural

gas sold to Pemex during the twelve-month period ending February 28, 1982, amounted to less than one percent of Petitioner's total interstate transmission system sales and Petitioner submits that it can be termed negligible.

Any person desiring to be heard or to make any protest with reference to said petition to amend should or on before May 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10746 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6083-000]

Energenics Systems, Inc.; Application for Preliminary Permit

April 14, 1982.

Take notice that Energenics Systems, Inc. (Applicant) filed on March 12, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6083 to be known as the Blue Mountain Dam Project located on the Petit Jean River in Yell County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1717 K Street, NW., Suite 706, Washington, D.C. 20006.

Project Description—The proposed project would utilize the existing Corps of Engineers' Blue Mountain Dam and would consist of: 1) A new powerhouse containing two generating units with a total rated capacity of 3.3 MW; 2) an existing 161–KV transmission line; and 3) appurtenant facilities. The applicant estimates that the average annual energy output would be 6.3 GWh. The most likely market for the derived energy would be Oklahoma Gas and Electric Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $35,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 26, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 25, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 25, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing appliccation, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10767 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6066-000]

Eveready Machinery Company and McCallum Enterprises, Inc.; Application for Preliminary Permit

April 13, 1982.

Take notice that The Eveready Machinery Company and McCallum Enterprises, Inc. (Applicant) filed on March 8, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6066 to be known as the Derby Project located on the Housatonic River in Derby and Shelton, Fairfield and New Haven Counties, Connecticut. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: E. J. McCallum, Jr., Eveready Machinery Company 805 Housatonic Avenue, P.O. Box 1780, Bridgeport, Connecticut 06601–1780.

Project Description—The project would be operated run-of-the-river, utilizing river flows regulated by the upstream Stevenson Dam which is a part of FERC Project No. 2576. The Derby project would consist of an existing 25.4-foot high, 675-foot long concrete gravity dam, a reservoir with a surface area of 360 acres at elevation 27 feet M.S.L. with no appreciable storage capacity, an existing 1,600-foot long canal system along the east bank and a 1,000-foot long canal system on the west bank. Applicant proposes to excavate a forebay and construct a powerhouse containing turbine-generator units with a rated capacity of up to 10.5 MW in the area of the canal inlet at the east or west abutment of the dam. In addition applicant proposes to overhaul/rehabilitate existing inoperative turbine-

generators located in three areas along the east and west canals which would utilize seasonal peak flows. Each of the locations has a potential for up to 2.0 MW of rated capacity. Total average annual generation would be approximately 45,000,000 kWh. The project site is owned by Connecticut Light and Power Company.

Proposed Scope and Cost of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include preliminary designs, an economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $60,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 20, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 21, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 21, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10722 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-251-000]

Flormex Energy Corp; Application

April 14,1982.

Take notice that on March 22, 1982, Flormex Energy Corporation (Applicant), 2316 Yale Street, Houston, Texas 77008, filed in Docket No. CP82-251-000 an application pursuant to Section 3 of the Natural Gas Act for authorization to import natural gas from Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to import from Mexico natural gas for distribution to domestic gas suppliers at the Texas border with Mexico in the State of Tamaulipas Sompozos through a pipeline to be constructed by Petroleos Mexicanos (Pemex), the supplier of said Mexican gas, in time to furnish the gas to be received.

It is submitted that Pemex is the government owned and operated organization managing all the petroleum and natural gas resources of Mexico with the ability to sell. It is further submitted that upon the receipt of proper authorization Pemex would enter into binding agreements with Flormex to supply to Flormex, or its nominees, natural gas from the new gas fields in Tamaulipas, Mexico, at a point on the Texas-Mexico border through a pipeline to be built at Pemex's expense; and that the proposed contact points for the gas to be introduced into the United States are Eagle Pass, Laredo, and Reynosa, Texas.

Applicant states that the proposed facilities for the importation of natural gas are the already existing facilities in the Reynosa, Brasil, Culebra, Arcabuz quadrangle as well as the Arcabuz-Pandura-Nueva Laredo facilities for transmission to existing customers' transmission points located in the United States. Applicant asserts that it neither owns, operates, nor maintains such existing facilities, and that additional pipelines, if necessary, would be constructed by Pemex.

It is stated that the volumes of gas to be imported on a daily basis would be 150 Mcf and up to an annual contract quantity of 54,750 Mcf.

It is further stated that the contract would provide for the sale during a six year period (renewable for an additional six year period) not on volume but on a thermal basis at the then current market price which would be adjusted every three months to reflect any increase in said price. Applicant asserts that the initial contract price subject to periodic adjustment as set forth above would be $4.94 million Btu.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10747 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-443-000]

Idaho Power Co.; Filing

April 14,1982.

The filing Company submits the following:

Take notice that on April 6, 1982, the Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during February 1982, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a pertition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10739 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 503-000]

Idaho Power Co.; Application for License (over 5MW)

April 14, 1982.

Take notice that Idaho Power Company (Applicant) filed on April 30, 1979, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for continued operation of a water power project to be known as Swan Falls Hydroelectric Project No. 503. The project would be located on Snake River in Ada and Owyhee Counties, Idaho. Correspondence with the Applicant should be directed to: Mr. Lee Sherline, Leighton and Sherline, Suite 503, 1701 K Street, NW., Washington, D.C. 20006.

Project Description—The proposed project would consist of: (1) The existing 25-foot high, concrete and rockfill, Swan Falls Dam; (2) the existing Swan Falls Reservoir with a surface area of 900 acres and a total capacity of 4,800 acre-feet; (3) a new spillway at a crest elevation of 2,420 feet with 12 bays each provided with radial gates 31 feet wide and 14.5 feet high, replacing the existing spillway; (4) a new power plant to be located at the east abutment of the Swan Falls Dam with a total installed capacity of 25 MW replacing the existing 10.4 MW power plant; (5) a substation located 30 feet from the powerhouse, equipped with a 13.8/138-kV, 30,000-kVa, 3-phase transformer; (6) a 1,400-foot long, 120-foot wide tailrace located in the riverbed downstream from the powerhouse; and (7) a 1.2-mile long, 138-kV transmission line interconnecting with an existing 138-kV transmission line owned and operated by the Applicant.

The Applicant estimates that the proposed project would increase the average annual energy production from 90 GWh to 162 GWh. The Swan Falls Dam is located in the Birds of Prey Natural Area administered by the U.S. Department of Interior.

Purpose of Project—All of the power and energy developed by the project will be utilized in the Applicant's system. The physical location of the project in close proximity to the company's largest center, Boise, Idaho allows this plant to make an important contribution to the area's electrical reliability and stability. Furthermore, the Applicant's system is interconnected with all adjoining systems so that any surplus power and energy from Swan Falls Project can be made available for use in those systems, including the exchange of power with other companies through existing interconnections.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 25, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d)] or a notice of intent [See 18 CFR 4.33 (b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 25, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION" "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10768 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL82-4-000]

Illinois Power Co.; Order Accepting Merger Application for Filing, Initiating Hearing, Granting Intervention, and Establishing Procedures

Issued: April 13, 1982.

On December 14, 1981, Illinois Power Company (IPC) filed an application under section 203 of the Federal Power Act for Commission approval of the merger of its wholly owned subsidy IP, Inc. with Mt. Carmel Public Utility Company (Mt. Carmel).

IPC is a public utility as defined in Part II of the Federal Power Act. The company engages in the generation, transmission, distribution, and sale of electric energy in substantial portions of Illinois. In addition to its retail operations, IPC provides electric service at wholesale to seven partial requirements municipalities, three full requirements municipalities, and nine electric cooperatives. IPC also owns and operates facilities used for transmission of electric energy in interstate commerce and is engaged in the distribution and sale of natural gas in Illinois.

Mt. Carmel, also a public utility under the Federal Power Act, is engaged in the generation, transmission, distribution, and sale of electric energy and the distribution and sale of natural gas in the eastern two-thirds of Wabash County and in southern Lawrence County, Illinois. Mt. Carmel also provides electric service at wholesale to the City of Allendale. In addition, Mt. Carmel owns and operates facilities which are interconnected with those of

Central Illinois Public Service Company (CIPS).

IPC and Mt. Carmel serve noncontiguous areas. The two systems are, at present, not interconnected; upon consummation of the merger, the systems will remain unconnected, with service to be provided over transmission lines owned by CIPS and interconnected with the IPC and Mt. Carmel systems. In consideration of the merger, IPC plans to issue 189,825 shares of common stock to the shareholders of Mt. Carmel in exchange for all outstanding shares of Mr. Carmel's common and preferred stock. Based on the March 19, 1981 closing price of $18.75 per share of IPC common stock, the transaction has a value of $3,559,219.

Notice of this filing was issued on December 28, 1981, with responses due on or before January 22, 1982. CIPS filed a timely petition to intervene which states that the proposed merger may not be consistent with the public interest, and that the acquisition of Mt. Carmel by CIPS might better serve the public interest.

On March 17, 1982, IPC filed a motion to initiate a prehearing conference during the month of April and to expedite these proceedings. According to IPC, the final hearing before the Illinois Commerce Commission for approval of this merger is scheduled for April 1, 1982, and Mt. Carmel is in very extreme financial circumstances due to the length of time required for the merger to take effect. In a responsive pleading filed on March 26, 1982, CIPS states that as a result of scheduling conflicts, its personnel and attorneys will be unavailable between April 1, and April 25, 1982. CIPS requests that it be accommodated in establishing a procedural schedule.

Discussion

Initially, we find that participation in this proceeding by CIPS is in the public interest; accordingly, its petition to intervene will be granted.[1]

The standards pertaining to mergers are set forth in section 203 of the Federal Power Act, 16 U.S.C. 824b. Section 203(a) provides that:

After notice and opportunity for hearing, if the Commission finds that the proposed * * * acquisition or control will be consistent with the public interest it shall approve the same.

Further, under section 203(b), the Commission may condition its approval on terms "necessary or appropriate to secure the maintenance of adequate service and the coordination in the public interest of facilities subject to the jurisdiction of the Commission."

The Commission's order in *Commonwealth Edison Company*, 36 F.P.C. 927 (1966), set forth a non-exclusive list of relevant factors appropriate for consideration of any merger agreement subject to the Commission's jurisdiction. These factors included:

* * * the effect of the proposed action on the applicant's operating cost and rate levels, the contemplated accounting treatment, reasonableness of the purchase price, whether the acquiring utility has coerced the to be acquired utility into acceptance of the merger, the effect the proposed action may have on the competitive situation, and finally, whether the consolidation will impair effective regulation by this Commission or the appropriate state regulatory authority. *Commonwealth Edison, supra,* at 932.

The Commission further stated, in *Commonwealth Edison, supra,* at 930, its intention "to require public hearings in the future on all applications requesting approval of the merger or consolidation of two or more Class A electric utilities." Both IPC and Mt. Carmel have revenues in excess of those necessary to attain Class A status under the Commission's Uniform System of Accounts. In light of this fact, and in view of the questions raised by CIPS in its petition to intervene, we find it necessary and appropriate to order a hearing concerning the consistency of the proposed merger with the public interest requirements of section 203.

As noted, IPC's motion to convene a prehearing conference and to expedite proceedings indicates that a final hearing on the proposed merger was to be held on April 1, 1982, before the Illinois Commission. Two previous hearings have been held and IPC assertedly expects an order from the Illinois Commission early in May of this year.

It is our assumption that the active parties before this Commission are participating before the Illinois Commission as well. We clearly desire to avoid the regulatory duplication that would occur if the Illinois Commission and this Commission each were to hold complete hearings to consider essentially the same evidence. Accordingly, we agree that it is appropriate to promptly convene a conference in order to apprise the presiding law judge and the Commission staff of the positions of the parties and the state of the evidentiary record before the Illinois Commission. Such conference shall be held at the earliest convenience of all participants in this proceeding, including CIPS. The presiding judge should consider such means as might be available to make maximum use of the record developed in the Illinois proceeding. We expect that the objective of minimizing duplication of evidentiary hearings might best be served by deferring this Commission's hearings until after the Illinois Commission's record has been closed and a decision is issued. However, we leave such scheduling matters to the discretion of the presiding judge upon consideration of the parties' expressed positions.

At the present time, we perceive no need to formally expedite the hearing on the proposed merger. The prehearing conference convened pursuant to this order should serve to establish a procedural framework for considering IPC's application without delay; having evaluated the salient facts and arguments, including any action taken at the state level, the presiding judge will be in the best position to determine the need for expedition.

The Commission orders:

(A) The application of IPC, filed on December 14, 1981, is hereby accepted for filing, subject to the outcome of the hearing to be convened in this docket.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly section 203 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the lawfulness of the proposed merger between IPC and Mt. Carmel.

(C) The petition to intervene of CIPS is hereby granted subject to the rules and regulations of the Commission; *Provided, however,* That participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *provided, further,* that the admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(D) IPC's motion to convene a prehearing conference in April, 1982, is hereby granted to the extent that the availability of the parties will permit,

[1] CIPS suggests that the acquisition of Mt. Carmel by CIPS rather than IPC would better serve the public interest; however, it has not filed an alternative merger application with this Commission. Although such a filing is not necessary to raise the issue at this time, we note that an appropriate application must be filed before the Commission could consider approval of a merger between CIPS and Mt. Carmel. *See, Northwest Pipeline Cooperative,* Docket No. CP75-294 and *Montana Fuel Supply Company,* Docket No. CP75-296, Initial Decision, 55 FPC 1645 (1975), *affirmed,* Opinion No. 758, 55 FPC 1633 (1976).

and its motion to expedite these proceedings is hereby denied without prejudice.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding at the earliest convenience of all participants in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Such conference shall be held for purposes of formulating a procedural schedule and determining the most appropriate manner in which to pursue the hearing in this case with reference to pending proceedings before the Illinois Commission. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10741 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6132-000]

John C. Jones; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

April 14, 1982.

Take notice that on March 26, 1982, John C. Jones (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6132) would be located on Marsh Stream, near the town of West Winterport, Waldo County, Maine. Correspondence with the Applicant should be directed to: John C. Jones, 534 Eastern Avenue, Brewer, Maine 04412.

Project Description—The proposed project would consist of: (1) An existing 12-foot high, 90-foot long, concrete-gravity, spillway dam; (2) a 50-acre reservoir with negligible storage capacity at elevation 158.0 feet M.S.L.; (3) an existing 20-foot long steel penstock; (4) a new powerhouse located at the north abutment with turbine-generators with a total rated capacity of 150 kW; (5) a 500-foot long transmission line; and (6) appurtenant facilities. The project would produce up to 960,000 kWh annually. Energy produced at the project would be sold to Central Maine Power Company.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Maine Department of Inland Fisheries and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If any agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before June 7, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10769 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1606-000]

James R. Leva; Application

April 13, 1982.

The filing individual submits the following:

Take notice that on April 1, 1982, James R. Leva filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, GPO Nuclear Corporation
Director and President, Pennsylvania Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR

1.8, 1.10). All such petitions or protest should be filed on or before May 6, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10724 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST80-221-001]

Lone Star Gas Co.; Extension Reports

April 12, 1982.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before April 30, 1982 file with the Federal Energy Regulatory Commission, Washington D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
ST80-221-001	Lone Star Gas Co., 301 South Harwood Street, Dallas, TX 75201.	Natural Gas Pipeline Co. of America	Feb. 25, 1982	C	May 27, 1982.
ST80-306-001	Natural Gas Pipeline Co. of America, 122 South Michigan Avenue, Chicago, IL 60603.	Southwestern Gas Pipeline, Inc	Feb. 23, 1982	B	May 28, 1982.

[FR Doc. 82-10723 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4113-001]

Long Lake Energy Corp.; Application for License (5 MW or Less)

April 14, 1982.

Take notice that Long Lake Energy Corporation (Applicant) filed on October 30, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as Phoenix Project No. 4113. The project would be located on the Oswego, Seneca, and Oneida River and Onondaga Lake in Oswego and Onondaga Counties, New York. Correspondence with the Applicant should be directed to: Paul J. Elston, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed project would consist of: (1) The existing Oswego River Lock and Dam No. 1. The dam is of concrete construction 11 feet high and 521 feet long; (2) the existing reservoir with an approximate surface area of 1,109 acres at a normal surface elevation of 362 feet msl with a gross storage capacity of 136,362 acre-feet; (3) the existing control gates; (4) the existing power canal, 120 feet long; (5) a new powerhouse having two generating units with a capacity of 3,882 kW; (6) a new switchyard; (7) a new 34.5-kV transmission line 900 feet long, that would tie into the Niagara Mohawk Power Corporation system; and (8) appurtenant facilities. The Oswego River Lock and Dam No. 1 are owned by the New York State Department of Transportation. The Applicant estimates that the average annual energy output would be 24,500 MWh.

Purpose of Project—All project energy would be sold to the Niagara Mohawk Power Corporation.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 25, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d)] or a notice of intent [See 18 CFR 4.33 (b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 25, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10748 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82-229-000]

Louisiana Intrastate Gas Corp.; Petition for Approval of Rates and Charges

April 14, 1982.

Take notice that on March 23, 1982, Louisiana Intrastate Gas Corporation (Petitioner), P.O. Box 1352, Alexandria, Louisiana 71301, filed in docket No. ST82-229-000 a petition for approval of rates and charges pursuant to § 284.123(b)(2) of the Commission's Regulations so as to approve the base transportation charge of 20.0 cents per million Btu which Petitioner proposes to charge for transporting natural gas for Mid Louisiana Gas Company (Mid La), all as more fully set forth in the petition which is on file with the Commisssion and open to public inspection.

It is stated that on March 12, 1982, Petitioner, an intrastate pipeline, entered into a transportation agreement with Mid La, an intrastate pipeline, to provide transportation service for Mid La. Under the transportation agreement, Petitioner would accept gas for Mid La's account at the points of delivery specified in Exhibit A of the transportation agreement and then redeliver to Mid La a volume of gas having an equal thermal content as that received at the point of delivery less Mid La's *pro rata* share of the volume received as fuel, company use and unaccounted for, at the points of redelivery specified in Exhibit A of the transportation agreement. Petitioner submits that the transportation agreement provides for a rate of 20.0 cents per million Btu redelivered by Petitioner to Mid La at the points of delivery specified in the transportation agreement. Petitioner states that the transportation agreement is for a term of two years from initial deliveries. It is asserted that the transportation agreement further provides for Mid La to reimburse Petitioner for all taxes which may be levied upon and/or paid by Petitioner with respect to the transportation service performed under the transportation agreement. It is explained that the gas to be transported is owned by Mid La and that Mid La is receiving such natural gas into its facilities as part of its system supply for resale.

Petitioner now seeks Commission approval for the proposed transportation rate of 20.0 cents per million Btu of natural gas redelivered to Mid La. Petitioner submits that such rate is fair and equitable for the transportation service.

Petitioner avers that as required by Louisiana law Petitioner has submitted the proposed transaction to the Commission of the Office of Conservation of the State of Louisiana to request approval of and authority to perform the transportation service provided in the transportation agreement for a fee of 20.0 cents for each million Btu redelivered by Petitioner to Mid La under the transportation agreement. It is stated that the Commissioner of the Office of Conservation of the State of Louisiana has indicated that he would shortly enter orders approving the proposed points of interconnection and finding Petitioner's proposed transportation to be in the public interest.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10749 Filed 4-19-82; 8:45 am]

BILLING CODE 67-01-M

[Project No. 5199-001]

Mac Hydro-Power Company, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

April 13, 1982.

Take notice that on March 8, 1982, Mac Hydro-Power Company, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5199) would be located on Ladies Canyon Creek, near Sierra City, within the lands of Tahoe National Forest, Sierra County, California. Correspondence with the Applicant should be directed to: Mr. H. L. Peter Childers, Mac Hydro-Power Company, P.O. Box 5193, Auburn, California 95603.

Project Description—The project would consist of: (1) A 2-foot high, 10-foot long diversion structure; (2) a 6,500-foot long, 30-inch diameter low pressure conduit; (3) a 4,200-foot long, 24-inch diameter penstock; (4) a powerhouse containing two generating units with total installed capacity of 2.5 MW; (5) a 700-foot long, 12-kV transmission line from the powerhouse to an existing PG&E power line. The Applicant estimates that the average annual energy production would be 6.3 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish & Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources

are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 28, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR §§ 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 28, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", pr "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10750 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6008-000]

Mason County Public Utility District No. 1: Application for Preliminary Permit

April 14, 1982.

Take notice that Mason County Public Utility District No. 1 (Applicant) filed on February 19, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r) for Project No. 6008 to be know as the Hamma Hamma River at River Mile 14.6 Hydroelectric Project located on Hamma Hamma River partially within Olympic National Forest in Mason County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robertson, Manager, Public Utility District No. 1, Route 5, Box 555, Shelton, Washington 98584 and CH2M Hill, ATTN: Mr. Orumchian, 1500–114th Avenue SE., Bellevue Washington 98004.

Project Description—The proposed project would consist of: (1) 15-foot high, 100-foot long diversion structure; (2) a 6-foot diameter, 10-foot high intake structure; (3) a 4-foot diameter 200-foot long penstock; (4) a powerhouse containing a turbine-generating unit with a rated capacity of 850 kw; and (5) a 13.2-mile long, 12-kV transmission line connecting to an existing Mason County PUD No. 1 Distributon Line. The Applicant estimates a 4.1 million kWh annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, geological, environmental and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $32,000. Power would be sold to utilities or industrial users.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 28, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1982); and Docket No. RM81-15 issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 28, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations] see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than August 27, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protest, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 28, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO

INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10751 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1984-001]

Eugene R. Mathews; Application

April 13, 1982.

The filing individual submits the following:

Take notice that on April 2, 1982, Eugene R. Mathews filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President and Director, Wisconsin Public Service Corporation
Vice President and Director, Wisconsin River Power Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 6, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10725 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP82-185-001; CP76-254-007; CP77-274-006; and CP78-270-003]

Michigan Consolidated Gas Company—Interstate Storage Division; Notice of Amendment

April 14, 1982.

Take notice that on March 26, 1982, Michigan Consolidated Gas Company (Consolidated), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP82-185-001, et al. an amendment to its pending application filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect the transportation of natural gas from an additional delivery point, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is asserted that Consolidated's Interstate Storage Division (ISD) proposed to transport up to 126,000,000 Mcf of natural gas per year for Consolidated's Utility Division (UD) within the state of Michigan. It is asserted that gas would be transported to and from various delivery and redelivery points along ISD's current and proposed pipeline facilities.

It is stated that on March 4, 1982, UD executed gas purchase contracts with certain intrastate producers pursuant to which UD would obtain additional supplies of gas from a field located in Missaukee County, Michigan. It is stated that to bring these new supplies to market UD is constructing 10 miles of 8-inch pipeline from the producing field to a point of interconnection with the existing Kalkaska-Woolfolk pipeline in Missaukee County, Michigan. It is submitted that the latter pipeline is one of the facilities which Consolidated proposes to transfer from UD to ISD for operation in interstate commerce. It is asserted that this interconnection in Missaukee County would be used as an additional point of receipt where UD would deliver up to 20,400 Mcf of natural gas per day to ISD for transportation to various points of redelivery.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10770 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-444-000]

Michigan Power Co.; Filing

April 14, 1982.

The filing Company submits the following:

Take notice that Michigan Power Company (Michigan) on April 7, 1982, tendered for filing proposed changes in its FERC Electric Tariff MRS, Volume No. 1 for wholesale for resale electric service to the City of Dowagiac, Michigan and the Village of Paw Paw, Michigan, which tariff changes it proposes to be made effective sixty days after its tendered filing date of April 7, 1982.

Michigan states that the proposed changes would increase annual revenues from jurisdictional sales and service by approximately $91,713, based on a cost of service for the twelve month period ending December 31, 1981. The rates under the proposed tariff changes are designed to provide Michigan with the opportunity to earn a 15.47% overall rate of return.

Michigan further states that a copy of the filing has been provided to the City of Dowagiac and the Village of Paw Paw and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10737 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP80-113-000]

Mid Louisiana Gas Co.; Motion To Amend Stipulation and Agreement

April 14, 1982.

Take notice that on March 4, 1982, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing a motion to amend its Stipulation and Agreement.

Mid Louisiana states that its intention is to make effective, after due notice and such suspension as may be ordered by the Commission, no rate changes, except for those specified hereinafter, prior to January 1, 1983. Mid Louisiana contends that it plans to file a rate change pursuant to Section 4 of the Natural Gas Act on or after January 1, 1982, and may state an effective date for said rate change of August 1, 1982, or later, in order that said rate change may become effective, after suspension, on January 1, 1983. Furthermore, should the Commission suspend the rate change for less than 5 months, Mid Louisiana nevertheless intends not to make that rate change effective prior to January 1, 1983, Mid Louisiana states that it intends to file and make effective, prior to January 1, 1983: rate changes pursuant to the PGA provisions of its FERC Gas Tariff; rate changes permitted by Articles IV, V, VI and VII of the Stipulation and Agreement effective in Mid Louisiana Gas Co., Docket No. RP80-113; and rate changes exclusively to recover NGPA prices for company owned production.

Copies of this filing were served upon all of Mid Louisiana's sale for resale customers, interested state commissions, and counsel of record in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10738 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82-214-000]

Montery Pipeline Co.; Application for Approval of Rates

April 14, 1982.

Take notice that on March 15, 1982, Montery Pipeline Company (Montery), 1700 Commerce Building, New Orleans, Louisiana 70112, filed in Docket No. ST82-214-000 an application pursuant to § 284.123(b)(2) of the Commission's regulations for approval of rates charged for the transportation of natural gas on behalf of Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to an agreement now being prepared Montery has agreed to transport and/or exchange initially an anticipated daily volume of 5,000 Mcf of natural gas on behalf of Texas Eastern for a period of up to 2 years. It is stated that Texas Eastern would deliver gas to Montery at a proposed point of interconnection with Montery's pipeline system at or adjacent to a measurement point where Montery presently receives gas in the Atchafalaya Bay Field, St. Mary Parish, Louisiana. Montery, it is stated, would redeliver the gas to Texas Eastern at one or more proposed points of interconnection to be located in Section 15, Iberville Parish, Louisiana, West Baton Parish, Louisiana, at a point on Texas Eastern's 10-inch lateral in Breton Sound Block 52 Field Area, offshore Plaquemines Parish, Louisiana, and at the Exxon Company, U.S.A.-operated Garden City Gas Processing Plant in St. Mary Parish, Louisiana. it is stated that the transportation service would be subject to interruption by Montery to the extent necessary for Montery to provide adequate service to its intrastate customers.

Texas Eastern, it is asserted, would pay Montery 24.4 cents per million Btu of gas redelivered by Montery. It is further asserted that Texas Eastern would reimburse Montery for the full amount of any present or future taxes with respect to this transportation service to the extent such taxes are not included in the 24.4 cents per million Btu rate.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10752 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST80-164-001]

Mountain Fuel Supply Co.; Extension Reports

April 12, 1982.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the names and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before April 30, 1982 file with the Federal Energy Regulatory Commission, Washington D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the

Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
ST80-164-001	Mountain Fuel Supply Co., 180 East First South St., Salt Lake City, UT 84139.	Colorado Interstate Gas Co	Mar. 8, 1982	G	Apr. 7, 1982.
ST80-241-001	ONG Western, Inc., 624 South Boston Ave., Tulsa, OK 74119	Natural Gas Pipeline Co. of America	Mar. 10, 1982	C	June 20, 1982.
ST80-245-001	Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, UT 84110.	RMNG Gathering Co	Mar. 15, 1982	B	June 1, 1982.
ST80-246-001	United Gas Pipe Line Co., P.O. Box 1478, Houston, TX 77001	Tennessee Gas Pipeline Co	Mar. 12, 1982	G	July 1, 1982.
ST80-298-001	Mississippi Fuel Co., 1100 First National Center East, Oklahoma City, OK 73102.	Transcontinental Gas Pipe Line Corp	Mar. 15, 1982	C	June 15, 1982.
ST80-234-001	United Texas Transmission Co., P.O. Box 1478, Houston, TX 77001.	United Gas Pipe Line Co	Mar. 3, 1982	C	June 3, 1982.

[FR Doc. 82-10728 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

Oil Pipeline Tentative Valuation

Notice: The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative valuation is under consideration for the common carrier by pipeline listed below:

1979 Initial Valuation

(April 15, 1982)

Valuation Docket No. PV-1455-000, Ohio Oil Gathering Corporation II, P.O. Box 368, Emmaus, PA 18049.

On or before May 20, 1982, persons other than those specifically designated in Section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file, pursuant to rule 70 of the Interstate Commerce Commission's "General Rules of Practice" (49 CFR 1100.70), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under Section 19a(h) of the Act, thereby enabling it to file a protest. The petition to intervene must be served on the company at its address shown above and an appropriate certificate of service must be attached to the petition. Persons specifically designated in Section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Conner,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 82-10646 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-440-000]

Pacific Power & Light Co.; Filing

April 12, 1982.

Take Notice that Pacific Power & Light Company (Pacific) on April 5, 1982, tendered for filing, in accordance with § 35.12 of the Commission's Regulations, a Letter Agreement between the City of Lompoc, California (City) and Pacific dated January 18, 1982 and executed by the City on February 16, 1982. The Agreement provides the City with the opportunity to purchase nonfirm electric thermal energy from Pacific as, if and when available.

Pacific requests the rate schedule to become effective sixty days after the filing date.

Copies of the filing were supplied to the City.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10727 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-260-000]

Panhandle Eastern Pipe Line Co.; Application

April 14, 1982.

Take notice that on March 26, 1982, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-260-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of a natural gas pipeline and compressor station in Converse and Niobrara Counties, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an agreement with Phillips Petroleum Company (Phillips) dated November 4, 1981, Applicant proposes to acquire and operate all of the Phillips' facilities consisting of approximately 20 miles of 6-inch pipeline, compressor station and all related pipe, valves and field regulating equipment known as the Buck Creek System in Converse and Niobrara Counties.

It is asserted that the proposed acquisition would enable Applicant to extend its pipeline system into a new area believed to have good potential for future drilling and development of new gas supplies.

It is stated that the cost of acquisition would be $4,000,000 which would be financed from general funds available to Applicant.

Applicant also requests approval of its accounting entries in order that the cost of facilities to be acquired may be included in Applicant's plant account for rate base purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10771 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP80-581 and CP80-581-001, et al.]

Pataya Storage Co., et al.; Informal Technical Conference

April 14, 1982.

In the matter of Pataya Storage Company, Docket Nos. CP80-581, and CP80-581-001; El Paso Natural Gas Company, Docket Nos. CP81-308-000, CP77-408-007, and CP78-443-003; Northwest Pipeline Corporation, Docket No. CP82-256-000.

Take notice that on April 19, 1982, an informal technical conference will be held at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 7312-A, Washington, D.C., at 10:00 a.m.

The purpose of the conference is to discuss the impact of this group of filings on Southwest Gas Corporation's exemption under section 1(c) of the Natural Gas Act, and the extent to which the Pataya Storage Company proposal in Docket Nos. CP80-581 and CP80-581-001 involves project financing.

For further information, contact Donald K. Hart, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, Tel. (202) 357-8841.

The informal conference is open to the public; however, attendance or participation at the conference will not serve to make attendees parties to the proceeding. Copies of the applicant's filing are on file with the Federal Energy Regulatory Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 82-10740 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-264-000]

Peoples Natural Gas Co., Division of InterNorth, Inc.; Application

April 14, 1982.

Take notice that on March 29, 1982, Peoples Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-264-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of one new delivery point to accommodate the delivery of natural gas to Southern Union Gas Company (Southern Union), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate one new delivery point for its resale customer, Southern Union, to be located in Union County, New Mexico. Applicant estimates the cost of the proposed facility to be $750 which would be financed from current operating revenues.

It is asserted that such delivery point is necessary in response to a request from Southern Union because Southern Union has received new service requests from certain of its potential customers which are in the process or about to commence construction of residences in the vicinity of the delivery point. It is explained that natural gas would be used primarily for residential heat.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10772 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER79-478-002]

Public Service Company of New Mexico; Compliance Filing

April 13, 1982.

Take notice that on March 31, 1982, Public Service Company of New Mexico filed a compliance report pursuant to the Commission's order issued March 29, 1982.

Any person desiring to be heard or to protest this filing should file comments

with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 28, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10728 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5950-000]

Public Utility District No. 1 of Lewis County, Washington; Application for Preliminary Permit

April 13, 1982.

Take notice that Public Utility District No. 1 of Lewis County, Washington (Applicant) filed on February 5, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5950 to be known as the Johnson Creek Waterpower Project located on Johnson Creek, within the Gifford Pinchot National Forest in Lewis County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary H. Kalich, Manager, Public Utility District No. 1 of Lewis County, P.O. Box 330, Chehalis, Washington 98532.

Project Description—The proposed project would consist of: (1) A 10-foot high concrete-gravity diversion structure at elevation 2,080 feet; (2) a 60-inch diameter pipeline 27,500 feet long and penstock 1,000 feet long; (3) a powerhouse at elevation 1,080 feet containing a turbine generator with 14.1 MW capacity and 52.8 annual energy production; and (4) a transmission line 0.4-mile long. The potential market for power output includes customers within the Applicant's distribution system and the Bonneville Power Administration.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $300,000.

Competing Applications—This application was filed as a competing application to Hydro Resource Company's application for Project No. 5293 filed on August 28, 1981, and Capital Development Company's application for Project No. 5324 filed on September 4, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981). as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protect, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intevene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 4, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10729 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6071-000]

Public Utility District No. 1 of Lewis County, Washington; Application for Preliminary Permit

April 14, 1982.

Take notice that Public Utility District No. 1 of Lewis County, Washington (Applicant) filed on March 9, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6071 to be known as the Cougar Rocks Project located on Willame Creek, partially within the Gifford Pinchot National Forest in Lewis County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary H. Kalich, Manager, Public Utility District No. 1 of Lewis County, Post Office Box 330, Chehalis, Washington 98532.

Project Description—The proposed project would consist of: (1) A 6-foot high concrete-gravity diversion dam at elevation 1,680 feet; (2) a 36-inch diameter pipeline 3,400 feet long and penstock 3,400 feet long; (3) a powerhouse containing a turbine generator with 3.6 MW capacity and 12.9 GWh annual energy production; and (4) transmission line 0.9-mile long. The Applicant proposes to either utilize project output as a system resource or sell the energy to the Bonneville Power Administration.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $200,000.

Competing Applications—This application was filed as a competing application to Western Power Incorporated's application for Project No. 5448 filed on October 5, 1981. Public notice of the filing of the initial application, which has already been

given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 C.F.R. 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10753 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6034-000]

James B. Randel; Application for Preliminary Permit

April 13, 1982.

Take notice that James B. Randel (Applicant) filed on March 1, 1982 an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6034 to be known as the C & O Canal Project located on the Chesapeake and Ohio Canal and Potomac River in Washington, D.C. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: James B. Randel, 86 Fairmont Avenue, Chatham, New Jersey 07928 or Robert W. Perdue, 1707 L Street, NW., Suite 540, Washington, D.C.

Project Description—The proposed project would consist of: (1) Existing intake gates; (2) an existing penstock, 5 feet in diameter and 20 feet long; (3) restoration of an existing powerhouse with one unit having a generating capacity of 540 kW; (4) an existing tailrace; and (5) appurtenant facilities. The average annual energy production would be 3,300,000 kW-hours. The project energy would be sold to the Potomac Electric Power Company. The existing project facilities are owned by Wilkins-Rogers, Inc.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance, of a preliminary permit for a period of 24 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $17,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 20, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 21, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. 1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 21, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10754 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6060-000]

J. E. Reid; Application for Preliminary Permit

April 13, 1982.

Take notice that J. E. Reid (Applicant) filed on March 8, 1982, an application for preliminary permit (pursuant to the

Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6060 to be known as the Ledbetter Creek Power Project located on Ledbetter Creek in Swain County, North Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: J. E. Reid, P.O. Box 10, Etowah, North Carolina 28729.

Project Description—The proposed project would consist of: (1) A proposed diversion structure of natural rock & concrete, 35 feet long, 3 feet high, and 5 feet wide; (2) a proposed diversion conduit with a total length of 3,696 feet; (3) a proposed penstock approximately 2,335 feet long and 24 inches in diameter; (4) a proposed powerhouse containing one impulsetype turbine with an installed capacity of 2,000 kW; (5) proposed transmission lines; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 11,000, 808 kWh. The proposed project is located on the Nantahala National Forest.

Purpose of Project—Power at the proposed project would be sold to the Nantahala Power & Light Company.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $33,500.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before June 28, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR § 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before June 28, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than August 27, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.19 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 28, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–10730 Filed 4–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EF79–4011–000]

Secretary of Energy—Southwestern Power Administration; Order Clarifying Prior Order, Denying Rehearing and Reconsideration, and Denying Intervention

April 13, 1982.

On January 25, 1982, the Commission, on reconsideration, confirmed and approved on a final basis, rates and charges for the sale of power by the Southwestern Power Administration (SWPA) to its customers for the period April 1, 1979, through September 30, 1982.[1] The SWPA rates had previously been rejected and remanded by the Commission based upon its determination that, in light of the data and information supplied by SWPA, the rate schedules would not meet the statutory criteria set out in section 5 of the Flood Control Act of 1944, 16 U.S.C. 825(s).[2] Based upon data and information contained in and accompanying SWPA's petition for reconsideration, the Commission found that, upon reconsideration, SWPA's proposed rates satisfied the statutory requirements of the Flood Control Act of 1944. However, we noted that on September 8, 1981, the United States District Court for the Eastern District of Louisiana had held that the rate schedules proposed by SWPA for Tex-La Electric Cooperative (Tex-La) could not be placed into effect prior to final confirmation and approval of the rates by the FERC.[3] As a result, the Commission found that SWPA would have a revenue shortfall that would be produced by having collected less during the interim period (April 1, 1979 to January 24, 1982) from Tex-La. The Commission therefore confirmed and approved the rates and charges through September 30, 1982, rather than through September 30, 1983, as originally requested. This would allow SWPA to adjust all its rates sooner to recover those revenue deficiencies resulting from the application of a provious lower rate to Tex-La during the interim rate period.

On February 25, 1982, Tex-La filed a request for hearing and for reconsideration of the Commission's

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[1] United States Secretary of Energy, Southwestern Power Administration, Docket No. EF79–4011, "Order On Reconsideration, " issued January 25, 1982.

[2] "Order Disapproving and Remanding Rates, and Granting Intervention," Docket No. EF79–4011, 15 FERC ¶61,236 (June 3, 1981).

[3] "United States of America v. Tex-La Electric Cooperative, Inc.," 524 F. Supp. 409 (E.D. La. 1981), appeal filed November 13, 1981 (5th Cir., No. 81–3715).

January 25, 1982 order on reconsideration. Tex-La claims that the Commission's order directly contravenes the U.S. District Court's ruling in "United States v. Tex-La Cooperative, Inc., *supra,*" by approving the SWPA rates to Tex-La for the interim period April 1, 1979, through January 24, 1982. Tex-La claims that the terms of the SWPA/Tex-La sales contracts would preclude the Commission from making the rates effective for any period prior to the date of final Commission approval. Additionally, Tex-La alleges that, regardless of the existence of the contract, the Commission's actions in confirming and approving SWPA's rates for periods prior to final Commission action would violate section 5 of the Flood Control Act of 1944. The Flood Control Act, Tex-La argues, only allows rates "to become effective upon confirmation and approval of the Federal Power Commission." Tex-La interprets this language to mean that *final* confirmation and approval by this Commission must occur prior to the revised rates being placed in effect. It would appear that the U.S. District Court for the Eastern District of Louisiana concurred in this interpretation of the Flood Control Act of 1944. Tex-La concludes by arguing that the Commission, in placing rates in effect as of April 1, 1979, rather than January 25, 1982, unlawfully engaged in retroactive ratemaking.

On February 24, 1982, the Cities of Fulton, Lamar, and Thayer, Missouri, and Piggott, Arkansas (Cities) filed a petition for rehearing and reconsideration of the Commission's January 25, 1982 order.[4] In their petition, Cities state that they are four municipalities that have entered into contracts with SWPA for the purchase of power and energy. Like Tex-La, Cities challenge the authority of the Assistant Secretary for Resource Applications of the Department of Energy [5] to place SWPA's rates in effect on an interim basis prior to final confirmation and approval. Cities claim that such action amounts to an unlawful delegation under the Department of Energy Organization Act and violates the confirmation and approval requirements of section 5 of the Flood Control Act of 1944. Cities additionally state that their contracts with SWPA specifically fix the amount of energy to be delivered by SWPA and that the new rates may not be made effective under the terms of their contracts with SWPA prior to final confirmation and approval. Cities thus argue that the Assistant Secretary's actions in placing the SWPA rates into effect on an interim basis is barred under the "Mobile-Sierra" doctrine and also violates the doctrine against retroactive ratemaking. Cities conclude by asking the Commission, on rehearing, to refuse to confirm SWPA's rates as of April 1, 1979, the date on which they were placed in effect by the Assistant Secretary.

Discussion

Tex-La alleges that the Commission improperly placed SWPA's rates to Tex-La in effect on a date prior to the date of final Commission confirmation and approval and thereby contravened the court's ruling in "United States v. Tex-La Electric Coop.", Inc. Contrary to Tex-La's contention, however, the Commission did not confirm and approve SWPA's rates "to Tex-La" as of April 1, 1979. The Commission's order clearly recognized that the court's decision would require SWPA to collect "less during the interim period than it would have otherwise collected between April 1, 1979 and the present (January 25, 1982) from Tex-La." [6] Indeed, as a result of SWPA collecting from Tex-La the previously approved rates rather than the interim rates, a revenue shortfall has occurred. Commission approval of SWPA's filed rates will expire on September 30, 1982, one year earlier than requested by SWPA. The shorter period of approval will allow SWPA to adjust all rates to recover losses from Tex-La.[7] To the extent that Tex-La misapprehends the January 25, 1982 order, the Commission hereby acknowledges that it has recognized that the U.S. District Court has precluded SWPA's rates to Tex-La from becoming effective for the period April 1, 1979, through January 24, 1982. Our clarification should therefore render moot Tex-La's additional contention that the Commission has engaged in retroactive ratemaking. However, this allegation was also raised by the Cities in their petition. The Commission will therefore address that issue at this time.

Tex-La and Cities both allege that the Commission has engaged in retroactive ratemaking by confirming and approving SWPA's rates for a period prior to the date of final confirmation and approval. Petitioners, however, are in reality challenging the Assistant Secretary's actions in placing SWPA's rates into effect prior to final confirmation and approval. Challenges to the Assistant Secretary's authority to implement rates prior to final confirmation and approval have occurred in cases other than the Tex-La cases. Indeed, there exists a number of court opinions that have upheld the Assistant Secretary's authority to implement interim rates.[8] The right of the Assistant Secretary to implement rates prior to final confirmation and approval, however, is not a matter for this Commission to resolve. On the contrary, challenges to the actions of the Assistant Secretary lie with the courts and not with the Commission. As we stated on another occasion, "the Commission is not disposed to inquire into the legal authority of the AS/RA to place rates in effect on an interim basis. The Commission's view is that this matter is for the courts to decide."[9]

By confirming and approving rates on a final basis, the Commission is acting in accordance with the applicable delegations of authority by the Secretary of Energy.[10] Prior to the formation of the Department of Energy, the function of confirming and approving or disapproving SWPA's rates rested with the Federal Power Commission under the Flood Control Act of 1944. After formation of the DOE, this function passed to the Secretary of Energy. [11] On January 1, 1979, the Secretary of Energy assigned to the Assistant Secretary for Resource Applications and to this Commission various responsiblities relating to the rates of power marketing agencies.

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[4] In a footnote to Cities' pleading, the City of Thayer has petitioned to intervene out-of-time in this docket. The City of Thayer states that its interests are identical to those of the other three Cities with whom it will participate as a group, so there will be no delay or other inconvenience to any other party to the proceeding. The City of Thayer however, has given no reason or cause for its untimely intervention. Its request is therefore denied.

[5] 43 FR 60636, issued December 28, 1978.

[6] "Order On Reconsideration," *supra,* mimeo at 4.

[7] *Id.,* mimeo *at 5*

[8] *See, e.g.,* "Pacific Power & Light v. Duncan" 499 F. Supp. 672 (D. Ore. 1980); "Montana Power Co. v. Edwards"—— F. Supp. ——, Civ. Action No. 80-842 PA (D. Ore. 1981). *See* also "Colorado River Energy Distributors Ass'n. v. Lewis" 516 F. Supp. 926 (D.C. Dist., 1981).

[9] "U.S. Secretary of Energy, Bonneville Power Administration", Docket No. EF80-2011, "Order Remanding Rates Without Prejudice," (November 21, 1980) 12 FERC ¶ 61,155 at 61,340.

[10] By Delegation Order No. 0204-33, the Secretary of Energy delegated to the AS/RA the authority to develop power and transmission rates, acting by and through the Administrator of SWPA, and to confirm, approve, and place in effect such rates on an iterim basis. This authority has since been transferred by delegation to the Assistant Secretary for Conservation and Renewable Energy.

[11] On October 1, 1977, the Department of Energy Organization Act (42 U.S.C. § 7101 *et seq.*) became effective, abolishing the FPC. The functions of the FPC under the Flood Control Act of 1944 and other statutes relating to Power Marketing Agencies were transferred to and vested in the Secretary of Energy pursuant to sections 302(a) and 301(b) of the Department of Energy Organization Act.

The Delegation Order also assigned to the Commission the authority to confirm and approve such rates on a final basis or to disapprove the rates developed by the AS/RA. Thus the Commission, in confirming and approving, or disapproving SWPA's rates as of the date of interim approval, is acting under order of the Secretary. Any challenge to the Secretary's delegation under the DOE Act accordingly lies with the courts and not with this Commission.

With respect to Cities' claim that final approval of the SWPA rates as of the date of interim approval would be a violation of the terms and conditions of Cities' contracts with SWPA, the Commission is also not disposed to inquire into these claims. We believe that the question of whether the Assistant Secretary's actions violate certain contractual provisions is also a matter for the courts to resolve. In the case of the SWPA/Tex-La contracts, the U.S. District Court has spoken. This is not the case, however, with respect to SWPA's contracts with the other petitioners. We shall therefore presume that the Assistant Secretary acted lawfully in implementing SWPA's rates to the Cities as of April 1, 1979.

For all of the above reasons, the Commission will deny Tex-La's request for a hearing and also deny rehearing and reconsideration of the claims of Tex-La and Cities. The Commission orders:

(A) Tex-La's request for a hearing is hereby denied.

(B) Petitioners' requests for rehearing and reconsideration are hereby denied.

(C) The petition for late intervention of the City of Thayer is hereby denied.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10742 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. G-2024-000, etc.]

Shell Oil Co., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

April 13, 1982.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 27, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	[sic] Applicant	Purchaser and location	Price per ft³	Pressure base
G-2024-000, D, Mar. 25, 1982	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Natural Gas Pipeline Company of America, Harrington Field, Texas County, Oklahoma.	(2)	
G-6086-001, D, Jan. 18, 1982	MAPCO Production Company (successor to MAPCO Inc.), 1800 South Baltimore, Tulsa, Oklahoma 74119.	Northern Natural Gas Company, Hugoton Field, Texas County, Oklahoma.	(2)	
CI61-524-001, D, Mar. 22, 1982	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, Woodward Area, Major, Woodward, and Dewey Counties, Oklahoma.	(2)	
CI161-54-000, D, Dec. 22, 1981	General American Oil Company of Texas, Meadows Building, Dallas, Texas 75206.	Transcontinental Gas Pipe Line Corporation, West Cameron Block 45, Offshore Louisiana.	(2)	
CI68-1026-000, D, Mar. 23, 1982	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Northern Natural Gas Company, Buckhorn Field, Crockett and Schleicher Counties, Texas.	(2)	
CI82-203-000, (G-17049), B, Mar. 17, 1982.	TXO Production Company, 2700 Fidelity Union Tower, Dallas, Texas 75201.	Coastal States Gas Producing Company, Hidalgo County, Texas.	(2)	
CI82-204-000, A, Mar. 18, 1982	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Trunkline Gas Company, South Timbalier Block 86 Field, Offshore Louisiana.	(2)	14.73
CI82-205-000, A, Mar. 19, 1982	McMoRan-Freeport Oil Company, P.O. Box 6800, Metairie, Louisiana 70009.	Transcontinental Gas Pipe Line Corporation, Eugene Island Block 10, Offshore Louisiana.	(2)	15.025
CI82-206-000, A, Mar. 22, 1982	Chevron U.S.A. Inc., P.O. Box 7643, San Francisco, California 94120.	Natural Gas Pipeline Company of America, West Cameron Block 564, Offshore Louisiana.	(2)	15.025
CI82-208-000, B, Mar. 22, 1982	An-Son Corporation, 810 Saratoga Bldg., New Orleans, Louisiana 70112.	Northern Natural Gas Company, C/S Sec. 29-23N-18W, Woodward County, Oklahoma.	(2)	
CI82-209-000, F, Mar. 22, 1982 [9]	Aminoil USA, Inc. (partial successor in interest to Gulf Oil Corporation), Golden Center One, 2800 North Loop West, Post Office Box 94193, Houston, Texas 77018.	Tennessee Gas Pipeline Company, Ship Shoal Block 130, Offshore Louisiana.	(10)	15.025
CI82-210-000, A, Mar. 26, 1982	Cenergy Exploration Company, 10210 Central Place, suite 500, Dallas, Texas 75231.	Transcontinental Gas Pipe Line Corporation, Block 348, Vermilion Area, Offshore Louisiana, Gulf of Mexico.	(11)	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price per ft³	Pressure base
CI82-211-000, A, Mar. 25, 1982	Shell Offshore Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Tennessee Gas Pipeline Company, OCS-Main Pass Block 41 Field, Offshore Louisiana.	(1)	15.025
CI82-212-000, (CI77-495), B, Mar. 26, 1982.	Florida Exploration Company, 1900 Post Oak Boulevard, Suite 1400, Houston, Texas 77056.	Florida Gas Transmission Company, No. 1 John Hill Well, Calhoun Field Area, Jones County, Mississippi.	(13)	
CI82-213-000, Mar. 29, 1982	Amoco Production Company, P.O. Box 50879, New Orleans, Louisiana 70150.	Florida Gas Transmission Company, Section 6, T2S-R13W, Stone County, Mississippi.		
CI82-214-000, A, Mar. 29, 1982	Marathon Oil Company (Operator), 539 South Main Street, Findlay, Ohio 45840.	Texas Eastern Transmission Corporation; West Delta Area, Block 86, Offshore Louisiana.	(15)	15.025
CI82-215-000, A, Mar. 30, 1982	Aminoil USA, Inc. (partial success in interest to Gulf Oil Corporation), Golden Center One, 2800 North Loop West, Post Office Box 94193, Houston, Texas 77018.	Natural Gas Pipeline Company of America, Block A-499 Field, High Island Area, South Addition, Offshore Texas.	(16)	14.73

[1] Shell Oil Company is no longer able to render service from the acreage involved in this application because it has no interest in the acreage.
[2] Release of gas for Irrigation Fuel.
[3] Abandonment is requested for service from three wells which have been plugged and abandoned in the field. No loss of acreage occurred when the wells ceased producing, and all other sales under the rate schedule will continue as previously authorized.
[4] On or about December 11, 1978, the well was plugged and abandoned, all production facilities removed and the lease reverted back to the lesser for lack of production. Since that time neither Texas Oil & Gas Corp. nor TXO Production Corp. has held any mineral interests in such lease.
[5] Applicant is filing under Gas Purchase Contract dated December 14, 1981.
[6] Applicant is filing under Gas Purchase Contract dated February 16, 1982.
[7] Applicant agrees to accept a Certificate at the rates prescribed by the NGPA.
[8] Well is no longer capable of producing and continuation of service is unwarranted and unfeasible.
[9] By the terms of the Farmout Agreement dated June 8, 1981 as amended, between Aminoil and Gulf, Aminoil acquired a farmout of a portion of lease OCS-G-0453 in Block 130, Ship Shoal Area, Offshore Louisiana.
[10] Applicant is willing to accept a certificate for the sale proposed herein conditioned upon the maximum lawful price under Section 104 of the NGPA.
[11] Applicant is filing under Gas Purchase Agreement dated March 5, 1982.
[12] Applicant is filing under Gas Sale and Purchase Agreement dated February 8, 1982.
[13] Reserves have been depleted and the well is no longer productive.
[14] Applicant proposes to construct and operate two compressors for the purpose of delivering gas to Florida Gas Transmission Company in partial satisfaction of its warranty obligations to that company.
[15] Applicant is filing under Gas Purchase Contract dated February 23, 1982.
Filing code: A—Initial service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total succession; and F—Partial succession.

[FR Doc. 82-10731 Filed 4-19-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5829-000]

Robert H. Sherman; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

April 13, 1982.

Take notice that on December 28, 1981, Robert H. Sherman (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5829) would be located on Beckler River, within the Snoqualmie National Forest in Snohomish County, Washington. Correspondence with the Applicant should be directed to: Mr. Robert H. Sherman, Post Office Box 572, Yelm, Washington 98597.

Project Description— The proposed project would consist of: (1) A reinforced concrete diversion structure at elevation 1335 feet with a 5-foot high crest, (2) a pipeline 8,000 feet long, (3) a powerhouse at elevation 1200 feet containing a turbine generator with 3.0 MW capacity and 18.4 GWh annual energy production, and (4) a transmission line 3 miles long.

Purpose of Exemption— An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the trems of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments— The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington State Department of Fisheries and Department of Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before june 1, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all

capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10755 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1922-001]

Floyd J. Smith; Application

April 13, 1982.

The filing individual submits the following:

Take notice that on April 1, 1982, Floyd J. Smith filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director and President; Metropolitan Edison Company
Director; GPU Nuclear Corporation

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 6, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10732 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP 75-119-003]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

April 14, 1982.

Take notice that on March 25, 1982, Tennessee Gas Pipeline Company, Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP 75-119-003 a petition to amend the order issued March 20, 1978, in Docket No. CP75-119 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas from additional receipt points from Shell Oil Company (Shell), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Petitioner was authorized in this docket to receive from Shell specified volumes of natural gas at specified receipt points and then transport those volumes for Shell's account to an interconnection at Yscloskey, Louisiana, with Creole Gas Pipeline Company (Creole) for delivery by Creole to Air Products and Chemicals, Inc.

Petitioner proposes the establishment of three new points of receipt located at Valve No. 526A-1102 on Petitioner's South Pass 42-Burrwood Line No. 526A-1100, Plaquemines Parish, Louisiana, Value No. 526A-1111, on Petitioner's West Delta Block 83-Burrwood Line No. 526A-1100, Plaquemines Parish, Louisiana, and Valve No. 526A-1302 on Petitioner's West Delta Block 53 Line No. 526A-1300, Plaquemines Parish, Louisiana.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10773 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP75-275-001]

Texas Gas Transmission Corp., Petition To Amend

April 14, 1982.

Take notice that on March 17, 1982, Texas Gas Transmission Corporation (Petitioner), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP75-275-001 a petition to amend the order issued May 4, 1976,[1] as amended, in Docket No. CP75-275 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the addition of a new delivery point to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order isued May 4, 1976, in the instant docket it was authorized to transport on a best-efforts basis up to 15,000 Mcf of natural gas per day for Energy Development Corporation (EDC) which gas is delivered to Tennessee for ultimate delivery to EDC. Petitioner asserts that pursuant to an amendatory agreement dated February 26, 1982, it proposes to add a new point of delivery to Tennessee at the northern terminus of the western section of the Blue Water system located near Egan in Acadia Parish, Louisiana. It is explained by Petitioner that its source of supply behind the Shell Oil Company Gasoline Plant near Cameron Parish, Louisiana, has declined in recent months and that petitioner is no longer able to deliver the full 6,000 Mcf of gas per day to Tennessee at this point. Petitioner submits that by utilizing the existing delivery point and the proposed point of delivery, it would be able to deliver the total volume of gas being tendered by EDC.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10756 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-263-000]

Transcontinental Gas Pipe Line Corp.; Application

April 14, 1982.

Take notice that on March 29, 1982, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-263-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Sugar Bowl Gas Corporation (Sugar Bowl), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated February 2, 1982, Applicant proposes to transport up to 10,000 dekatherms (dt) equivalent of natural gas per day purchased by Sugar Bowl in the Morganza Field, Point Coupee Parish, Louisiana. It is asserted that such gas would be made available to Applicant at the point of interconnection between the facilities of Applicant and Sugar Bowl located on Applicant's Happytown lateral in Point Coupee Parish. Applicant states that it would redeliver thermally equivalent quantities to Sugar Bowl at a proposed point of interconnection near the Mobil Oil Corporation's Cow Island Plant, Vermilion Parish, Louisiana.

Applicant asserts that for such service it would charge Sugar Bowl 3.5 cents per dt equivalent for all gas delivered by Applicant for the account of Sugar Bowl.

It is submitted that the subject transportation service would enable Sugar Bowl to receive into its system gas which it has purchased in the Morganza Field which gas would help Sugar Bowl maintain adequate and reliable supplies for its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the National Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the Certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10774 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-261-000]

Trunkline Gas Co.; Application

April 14, 1982.

Take notice that on March 26, 1982, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-261-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 1,200 Mcf of natural gas per day, less 4.0 percent reduction for fuel usage and unaccounted for losses, on a firm basis on behalf of Panhandle from the point of receipt in West Cameron Block 624 offshore Louisiana, to the interconnection of Applicant's and Panhandle's facilities in Douglas County, Illinois, pursuant to a transportation agreement dated March 25, 1982. It is stated that Applicant would utilize Columbia Gulf Transmission Company's capacity in the offshore Blue Water system connecting West Cameron Block 624 to the existing onshore facilities of Applicant near Kinder, Louisiana.

Applicant states that for such transportation service Panhandle would pay Applicant a monthly charge of $22,547 with an upward or downward adjustment of 61.77 cents per Mcf for any excess or deficiency in quantities taken.

Any person desiring to be heard or to make any protest with reference to said petition to amend shoud on or before May 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10775 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-262-000]

Trunkline Gas Co.; Application

April 14, 1982.

Take notice that on March 26, 1982, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-262-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set in the application which is on file with the Commission and open to public inspection.

It is stated that on March 25, 1982, Applicant and Panhandle entered into an agreement whereby Applicant would transport up to 2,600 Mcf of natural gas per day, less fuel, for Panhandle on a firm basis from a point of receipt in Eugene Island Block 392 to the interconnection of Applicant's and Pandhandle's facilities in Douglas County, Illinois. Applicant explains that it would utilize its capacity in the offshore lateral connecting Euguene Island Block 392 to Eugene Island Block 381 and transportation service available from Tarpon Transmission Company and Applicant's own facilities to provide the proposed transportation service.

It is submitted that Panhandle would pay Applicant a monthly charge of $44,590 for the transportation service and an upward or downward adjustment of 56.39 cents per Mcf would be applied to any excess or deficiency in quantities taken.

It is asserted that the proposed service would assist Panhandle in moving its Eugene Island Block 392 gas supplies to the interstate market.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practices and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed with the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission or its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10797 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP82-16-000 and RP81-81]

United Gas Pipe Line Co.; Petition for Authorization To Waive Minimum Bill Requirements

April 12, 1982.

Take notice that on March 30, 1982, Unitd Gas Pipe Line Company (United) requested that the Commission issue an order authorizing United to waive the required application of the minimum bill to Natural Gas Pipeline Company of America (Natural), a customer of United's, for the period ending on the earlier of (1) the first day of the month following the date in which United has purchased a total of 37 billion cubic feet of gas under its contract with Natural or (2) July 31, 1982. United states that during such period, its minimum bill will be calculated for the remainder of United's customers subject to Rate Schedule PL-N exclusive of any sales volumes or the MDQ applicable to Natural under its Service Agreement dated September 9, 1962, Rate Schedule PL-N.

Accordingly, United requests that the Commission waive any applicable regulations and permit United to waive the requirements of the minimum bill, as hereinafter described, effective March 1, 1982.

United states that on December 2, 1981, it filed revised tariff sheets pursuant to Section 4 of the Natural Gas Act and § 154.63 of the Commission's regulations proposing changes to its minimum bill provisions applicable to pipeline service under Rate Schedules PL-N. Under such proposal, any pipeline customer whose aggregated volumes purchased in any month are less than 66⅔ percent of that customer's Maximum Daily Quantities (MDQ) for the month would be subject to the minimum bill, unless (i) United curtailed deliveries under § 12.1 of its tariff during any day of the month or (ii) the aggregate volume sold by United to all of its PL-N customers during the month was at least equal to the volume calculated by multiplying 66⅔ percent of the sum of the MDQ of all PL-N customers by the number of days in the billing month. By order issued on December 31, 1981, in Docket Nos. RP82-16 and RP81-81, the Federal Energy Regulatory Commission (Commission) accepted the revised tariff sheets for filing and permitted the revised minimum bill to become effective on January 1, 1982, subject to refund. Furthermore, United states that Natural is a customer of United subject to the revised mimimum bill.

On April 9, 1981, United and Natural entered into a contract (Contract) for the offsystem sale of up to a total of 37 billion cubic feet of gas by Natural to United. Article 20 of the Contract provides:

> During the period in which Natural is selling gas by Buyer (United) under this agreement, Natural will not purchase gas from Buyer pursuant to a Service Agreement, dated September 5, 1962, Rate Schedule PL-N.

By order issued August 12, 1982, in Docket No. CP81-302, *et al.*, the Commission approved the application filed in Docket CP81-302 for said offsystem sale for a term expiring July 31, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10733 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1616-002]

William A. Verrochi; Application

April 13, 1982.

The filing individual submits the following:

Take notice that on April 1, 1982, William A. Verrochi filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director and President; Jersey Central Power and Light Company
Director; GPU Nuclear Corporation

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 6, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10734 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6087-000]

Western Hydro Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

April 13, 1982.

Take notice that on March 12, 1982, Western Hydro Electric, Incorporated (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 6087) would be located on Coal Creek, within Gifford Pinchot National Forest in Lewis County, Washington. Correspondence with the Applicant should be directed to: Mr. Donald J. White, Vice President, Western Hydro Electric, Incorporated, Commercial Security Bank Building, Suite 600, 50 S. Main Street, Salt Lake City, Utah 84144 with copies to: Mr. Marc A. Auth, J-U-B Engineers, Inc., Industrial Division, 250 S. Beechwood Avenue, Boise, Idaho 83709.

Project Description—The proposed project would consist of: (1) A 5-foot high reinforced concrete diversion structure with crest at elevation 2,362 feet, (2) 36-inch pipeline 6,300 feet long and penstock 6,500 feet long, (3) a powerhouse at elevation 1,280 feet containing three turbine generators with 2.25 MW total capacity and 10.4 GWh annual production, and (4) a transmission line 900 feet long.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments— The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Washington State Department of Game and Department of Fisheries are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representative.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before June 1, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 1, 1982.

Filing and Service of Responsive Documents. Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10757 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5890-000]

Whale Rock Commission; Application for Exemption of Small Conduit Hydroelectric Facility

April 13, 1982.

Take notice that on January 18, 1982, the Whale Rock Commission (Applicant) filed an application, under Section 30 of the Federal Power Act (Act) (16 U.S.C. 823(a)), for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Whale Rock Hydroelectric Project (FERC Project No. 5890) would be located on Old Creek, in San Luis Obispo County, California. Correspondence with the Applicant should be directed to: Mr. Robert G. Mote, Utility Engineer, 990 Palm Street, San Luis Obispo, California 93406.

Purpose of Project—The project is a micro-hydroelectric demonstration project undertaken jointly by the California Office of Appropriate Technology and the Whale Rock Commission.

Project Description—The proposed project would consist of a powerhouse with a rated capacity of 75 kW, operating under a head of 176 feet. The average annual generation is estimated to be 76,000 kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980)). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10758 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-347-000]

Wisconsin Electric Power Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Interventions, Granting Motion To Strike, Granting Requests for Summary Disposition in Part, and Establishing Hearing and Price Squeeze Procedures

April 13, 1982.

On February 26, 1982, Wisconsin Electric Power Company (WEPCO) tendered for filing increased rates for eighteen full requirements and three partial requirements wholesale customers.[1] The proposed rates would result in an increase in revenues of approximately $7,347,300 (12.93%) for the twelve month period ending December 31, 1982. In addition to the proposed rates for full and partial requirements customers, WEPCO filed increased rates for contract demand, interruptible, and transmission services, although no customers are currently served under those rates. WEPCO requests that its revised rates become effective on April 27, 1982.

Notice of WEPCO's filing was issued on March 8, 1982, with responses due by March 24, 1982. The Public Service Commission of Wisconsin filed a timely notice of intervention. Although no substantive issues were raised, the Wisconsin Commission requests participation in any proceeding which may be ordered. A timely petition to intervene was also filed by the Upper Peninsula Power Company (UPPC). UPPC raises no substantive issues, but is a customer of WEPCO and asserts that its interests are not adequately represented by other parties.

On March 24, 1982, nine of WEPCO's affected customers (the Customer Group)[2] filed a petition to intervene and requests for rejection or for a five month suspension, summary disposition of certain issues, and an investigation and hearing. The Customer Group requests rejection of WEPCO's filing on the basis that the supporting cost of service includes as expenses substantial CWIP-related taxes and pre-certification expenses, in violation of section 2.16 of the Commission's regulations. Absent rejection, the Customer Group alleges that a five month suspension is warranted in accordance with our policy as articulated in "West Texas Utilities Company," Docket No. ER82-23-000 (February 26, 1982). They assert that WEPCO's filing is based on several cost of service principles inconsistent with Commission precedent or policy. More specifically, they raise issues concerning (1) expensing of CWIP-related taxes and pre-certification costs, (2) allocation of distribution facilities on a coincident peak (CP) basis, (3) possible inclusion of permanent or improper temporary nuclear fuel disposal costs, (4) coal inventory level, (5) expensing of nuclear fuel AFUDC, (6) rate of return on equity, (7) expensing of interest on tax liabilities, (8) amortization period for abandoned projects, and (9) pollution control CWIP level.

In addition, the Customer Group requests summary disposition with respect to cost of service issues (1)-(3) above. They also question the lawfulness of WEPCO's rate design and its transmission rates. Finally, the Customer Group alleges price squeeze.

On March 26, 1982, the Commission's trial staff filed a motion to strike

[1] *See* Attachment A for rate schedule designations.

[2] The Customer Group consists of Clintonville, Elkhorn, Kiel, Oconto Falls, and Shawano, Wisconsin, the City of Crystal Falls, Michigan, the Oconto Electric Cooperative, the Ontonagon Rural Electrification Association, and the Wisconsin Public Power Incorporated System.

portions of the Customer Group's pleading. Specifically, the trial staff objects to references, at pages 5–7 of the pleading, to the staff's top sheet or settlement position as to certain issues in prior WEPCO rate cases which have not been the subject of evidentiary hearings.

On April 1, 1982, WEPCO filed an answer to the Customer Group's petition, opposing rejection and responding to the requests for summary disposition and a five month suspension.

Discussion

The Commission finds that participation in this proceeding by the Customer group and UPPC is in the public interest. Accordingly, their petitions to intervene will be granted. The timely notice of intervention filed by the Wisconsin Commission is sufficient to initiate its participation as an intervenor.

With respect to the trial staff's motion to strike the Customer Group's references to privileged settlement positions in prior proceedings, we agree that such references are improper. For the reasons stated in "West Texas Utilities Co.", *supra*, mimeo at 3–4, we shall grant the motion to strike.

Inasmuch as WEPCO's submittal substantially complies with the Commission's filing requirements, we shall deny the Customer Group's motion to reject.[3] However, our review of WEPCO's cost of service indicates that WEPCO has included in its cost of service to the wholesale customers an allocated share of ad valorem and FICA taxes associated with CWIP. It has also included in cost of service construction-related pre-certification expenses. We note that WEPCO has not applied for authorization to include CWIP in rate base pursuant to section 2.16 of our regulations. Moreover, the Commission's Uniform System of Accounts provides that ad valorem and FICA taxes associated with construction are not to be treated as an expense during the period in which such taxes are incurred, but instead, are to be capitalized as part of the cost of plant, and thereby recovered through depreciation after the plant is placed in service.[4] Such capitalized taxes should be reflected in income tax deductions for the test period. Account 183 requires the same treatment for the pre-certification expenditures in question.[5] Accordingly, summary disposition with respect to these matters will be granted and WEPCO will be required to refile its cost of service and rates in this docket to exclude ad valorem taxes, FICA taxes and pre-certification expenditures related to CWIP from test year operating expenses; the company shall, instead, reflect CWIP-related ad valorem and FICA taxes and pre-certification expenditures (other than those related to abandoned projects) in the test year deduction for income tax calculations.

We find that the Customer Group's other request for summary disposition and the other cost of service matters raised present questions of law or fact most appropriately addressed during the course of the hearing to be convened pursuant to this order. Therefore, the remaining requests for summary disposition will be denied.

We also note, however, that WEPCO's filing is not in compliance with the Commission's Order No. 144–A (February 22, 1982) in that it does not reflect tax normalization of all timing differences as specified in that order. Order No. 144–A was issued and made effective on February 22, 1982, four days before WEPCO's filing. The Commission recognizes that there often is a significant lead time required to prepare a cost of service and a rate filing. As a result, it would not be appropriate to reject this filing or issue a deficiency letter for failure to comply with the requirements of Order No. 144–A. The better course is to order WEPCO to refile its cost of service and rates to reflect tax normalization procedures consistent with Order No. 144–A, with such revised rates to become effective, subject to refund, on the same date the Commission orders the originally filed rates to become effective.

We also note that several other electric utilities have also filed rate increases subsequent to Order No. 144–A which are not in compliance with its conditions. In recognition of the lead-time problem, we believe that it would not be equitable to reject these filings or others which may be on the verge of being filed. Thus, any filing received from February 22, 1982, through April 30, 1982, shall not be rejected solely because they fail to comply with the requirements of Order No. 144–A. Any filing received during that period that would not otherwise be rejected shall be accepted for filing. However, the company will be required to file, within 30 days of acceptance, revised rates and a revised cost of service that are consistent with Order No. 144–A.[6] The revised rates will become effective on the same date that the Commission orders the originally filed rates to become effective. Any non-conforming rate increase submittal filed after April 30, 1982, will be considered deficient with respect to the requirements of Order No. 144–A. No filing date will be assigned to such filings pending the filing of revised rates and a revised cost of service which complies with Order No. 144–A.

Our preliminary examination of WEPCO's filing indicates that the proposed rates, as modified by summary disposition, have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

We recently addressed the Commission's suspension policy in the "West Texas Utilities Company" order cited above. In that order, we noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in "West Texas". In the instant proceeding our preliminary review suggests that the proposed increase may yield substantially excessive revenues. As we stated in "West Texas," under such circumstances, we shall suspend the rates for the maximum period. Accordingly, we shall suspend WEPCO's rates for five months, to become effective, subject to refund, on September 28, 1982. However, from the information provided thus far in this docket, the Commission cannot determine the precise impact of the summary dispositions ordered herein or of the adjustments necessary to conform to Order No. 144–A. As a result, following receipt of WEPCO's compliance filing, we may wish to reconsider the designated suspension period.

The rate schedules currently proposed by WEPCO contain time-of-day rates which are currently the subject of litigation in Docket No. ER80–567. The presiding administrative law judge may wish to determine at an early stage

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[3] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

[4] *Northern States Power Company (Wisconsin)*, Docket No. ER81–633–000 (December 31, 1981).

[5] These pre-certification expenses are distinguished from those related to abandoned projects, which are charged to Account 426.5, Other Deductions, or to the appropriate operating expense account.

[6] We wish to make clear in this connection that Order No. 144–A is not being stayed nor are we waiving the filing requirements. Rather, as a matter of equity, we shall permit non-complying filings under the stated umbrella to be revised in lieu of rejection.

whether relitigation on that issue in this docket is warranted.

In light of the intervenors' price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy established in "Arkansas Power and Light Company," Docket No. ER79-339 (August 6, 1979).

The Commission orders:

(A) The Customer Group's request for rejection is hereby denied.

(B) The motion of the Commission's trial staff to strike, at pages 5, 6, and 7 of the Customer Group's March 24, 1982 pleading, all references to the staff's top sheet or settlement positions in earlier proceedings is hereby granted.

(C) Summary disposition is hereby ordered with respect to WEPCO's treatment of CWIP-related taxes and pre-certification expenses other than those related to abandoned projects.

(D) To the extent not granted above, the Customer Group's requests for summary disposition are hereby denied.

(E) WEPCO's revised rates are hereby accepted for filing, as modified by summary disposition and subject to refiling in accordance with the requirements of Order No. 144-A, and are suspended for five months from sixty days after filing, to become effective on September 28, 1982, subject to refund.

(F) WEPCO shall file, within thirty (30) days of the date of this order, revised rates and a revised cost of service which reflect tax normalization procedures consistent with Order No. 144-A, and which reflect the summary disposition ordered in Paragraph (B) above, with such revised rates to become effective on September 28, 1982, subject to refund.

(G) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held concerning the justness and reasonableness of WEPCO's rates.

(H) The petitions to intervene in this proceeding are hereby granted subject to the Commission's rules of practice and procedure and the regulations under the Federal Power Act: *Provided, however,* That participation by such intervenors shall be limited to the matters set forth in their petition to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(I) The Commission staff shall file top sheets in this proceeding on or before May 12, 1982.

(J) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's rules of practice and procedure.

(K) We hereby order initiation of price squeeze procedures and further order that the proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(L) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

ATTACHMENT A.—WISCONSIN ELECTRIC POWER CO., DOCKET NO. ER82-347-000, RATE SCHEDULE DESIGNATIONS

Designation	Other parties	Description
(1) FERC Electric Tariff Original Volume No. 1 Third Revised Sheet Nos. 6-9, 22-25, 36-39, 52-55 and 64-65 (Supersedes Second Revised Sheet Nos. Above).	Tariff Customers.	Revised Schedule of Rates for Service TR, PR, CD, IS and T.
(2) FERC Electric Tariff Original Volume No. 1 1st Revised Sheet Nos. 66 and 67 (Supersedes Original Sheet Nos. 66 and 67).	.....do.....	Additional terms for Service T.
(3) Supplement No. 7 to Rate Schedule FERC No. 57 (Supersedes Supplement No. 3).	Kaukauna-Menasha.	Revised Firm Power Service.
(4) Supplement No. 15 to Rate Schedule FERC No. 42 (Supersedes Supplement No. 13).	Alger-Delta Cooperative.	Revised TR Service Rates.
(5) Supplement No. 13 to Rate Schedule FERC No. 43 (Supersedes Supplement No. 12).	Ontonagon County Rural Association.	Revised TR Service Rates.

[FR Doc. 82-10743 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5278-001]

Yankee Power Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

April 13, 1982.

Take notice that on January 22, 1982, Yankee Power Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 5278) would be located on North Fork Flume Creek, Pend Oreille County, Washington. Correspondence with the Applicant should be directed to: Mr. James E. Hungerford, Yankee Power Company, SE 6350 Arcadia Road, Shelton, Washington 90584.

Project Description—The proposed project would consist of: (1) An existing 30-foot long, 24-foot high dam; (2) an 800-foot long, 12-inch diameter penstock; (3) a powerhouse containing one generating unit with a rated capacity of 100-kW; and (4) a 1-mile long, 12-kV transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 525 MWH. The project would be located within the Colville National Forest.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, the State of Washington Department of Fisheries and the State of Washington Department of Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources

or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before June 1, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 1, 1982.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10759 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION									
-A & P DRILLING CO INC			RECEIVED:	03/26/82	JA: OK				
8225085	13284	3508321664	103			RAHE #1	CRESCENT LOVELL	0.0	EASON OIL CO
-ALLEN EXPLORATION INC			RECEIVED:	03/22/82	JA: OK				
8224870	13300	3514722050	103			KETCHUM II WELL II	NORTH WANN (BARTLESVI	639.0	CITIES SERVICE GA
-AMCANA OIL CORP			RECEIVED:	03/26/82	JA: OK				
8225076	13107	3504722486	103			SIMUNEK 1-18	SOONER TREND	75.0	PANHANDLE EASTER
-AN-SON CORPORATION			RECEIVED:	03/22/82	JA: OK				
8224905	16187	3501121637	102-4			FELTON #1-24	N E HYDRO	773.8	DELHI GAS PIPE LI
8224904	16188	3501121500	102-4			FRIEDA #1-25	WILDCAT	1715.5	DELHI GAS PIPE LI
-ARCO OIL AND GAS COMPANY			RECEIVED:	03/22/82	JA: OK				
8224920	13341	3513721026	108			NEWMAN SYCAMORE UNIT A #1	SHO-VEL-TUM	14.6	MOBIL OIL CORP
-BAMCO OIL & GAS INC			RECEIVED:	03/26/82	JA: OK				
8225097	14627	3504722656	102-2			STRECK #301	CANEY DEL	0.0	PANHANDLE EASTERN
-BOBBY J DARNELL			RECEIVED:	03/26/82	JA: OK				
8225084	13281	3508321761	103			ROGERS #1	CRESCENT-LOVELL	18.3	EASON OIL CO
8225083	13280	3508321804	103			ROGERS #2	CRESCENT LOVELL	73.0	EASON OIL CO
-BOGERT OIL CO			RECEIVED:	03/22/82	JA: OK				
8224915	13089	3507323141	103			CHLOUBER 7-21	SOONER TREND	225.0	PHILLIPS PETROLEU
8224914	13090	3508321786	103			WAYNE 3-18	SOONER TREND	45.0	EASON OIL CO
-BROWN & BORELLI INC			RECEIVED:	03/22/82	JA: OK				
8224899	11483	3507322917	103			DUFFY #1	WEST HENNESSEY	73.0	CITIES SERVICE GA
-C F BRAUN & CO			RECEIVED:	03/22/82	JA: OK				
8224946	16038	3512920610	102-4			MERRICK B-1	EAST ROLL	365.0	
-C J CASSELMAN			RECEIVED:	03/22/82	JA: OK				
8224934	12877	3511121624	108			RUSSELL #3	MORRIS	20.2	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	03/22/82	JA: OK				
8224929	13087	3504721789	103			JACOB A VOTH #2	ENID MISS FIELD	150.0	CHAMPLIN PETROLEU
8224940	07934	3504722133	103			JACOB B BARKMAN #2	ENID	164.0	CHAMPLIN PETROLEU
8224930	13086	3509321429	103			VELMA PROFFITT #2	E CHANEY DELL	40.0	CHAMPLIN PETROLEU
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	03/26/82	JA: OK				
8225096	15028	3512900000	102-2			R R CARLTON #2	S W LEEDY	876.0	
-CIMARRON PETROLEUM CORPORATION			RECEIVED:	03/22/82	JA: OK				
8224954	12712	3505921007	103			CPC #158 WILLS		547.5	MICHIGAN WISCONSI
-CLARK RESOURCES INC			RECEIVED:	03/22/82	JA: OK				
8224872	13198	3509322288	103			LORENZ 19-1	SOONER TREND	88.0	CITIES SERVICE GA
8224867	13238	3507323208	103			ZETA 20-2	SOONER TREND	90.0	PHILLIPS PETROLEU
-COBB OIL & GAS CO			RECEIVED:	03/22/82	JA: OK			12.0	TRANSOK PIPELINE
8224906	13288	3506300000	108			STANFILL #1		11.0	OKLAHOMA NATURAL
8224907	13287	3506300000	108			WILLIAMS ESTATE #1			
-COTTON PETROLEUM CORPORATION			RECEIVED:	03/22/82	JA: OK				
8224947	15827	3513921481	102-2			KILGORE 1-5	WEST DOMBEY	135.0	KANSAS NEBRASKA N

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JD NO	DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	
-CROWN PRODUCTION CO				RECEIVED:	03/22/82	JA: OK	
8224939	08264	3507121658		103		CROWN COURTNEY #1	
-DAVIS OIL COMPANY				RECEIVED:	03/22/82	JA: OK	
8224945	16215	3504722624		102-2	103	DOWERS #1	
-DECK OIL CO				RECEIVED:	03/22/82	JA: OK	
8224936	12633	3504700000		108		HEMKEN #2	
-DEMCO OIL & GAS COMPANY				RECEIVED:	03/22/82	JA: OK	
8224890	12771	3507122316		108		KAHLE #3-1	
-DEWITT ETAL				RECEIVED:	03/22/82	JA: OK	
8224957	11303	3511960928		108		GOODALL #3	
8224956	11304	3511960929		108		GOODALL #4	
-DYCO PETROLEUM CORPORATION				RECEIVED:	03/26/82	JA: OK	
8225087	17117	3514920137		107-DP		WOOD #1-35	
-EASON OIL COMPANY				RECEIVED:	03/26/82	JA: OK	
8225082	13279	3508720644		103		G P DOUGHTY #1-11	
-EDWIN L COX				RECEIVED:	03/22/82	JA: OK	
8224871	13196	3508720393		103		GARNER #1	
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/22/82	JA: OK	
8224952	445	3515320368		108-PB		MCFEETERS #2	
8224876	13208	3514920126		103		NUTLEY-MORGAN #1	
-ENSERCH EXPLORATION INC				RECEIVED:	03/22/82	JA: OK	
8224937	12362	3514920178		103		DAVIS-LEVERTON #1	
8224938	12361	3508720570		103		FREENEY HOPKINS #1	
-F M BUXTON				RECEIVED:	03/22/82	JA: OK	
8224953	13079	3508321749		103		BASS-ZACHGO UNIT #1	
-FUNK EXPLORATION INC				RECEIVED:	03/22/82	JA: OK	
8224933	13080	3508722107		103		KAUFFMAN #1-33	
8224894	12669	3508722041		103		PRIVITT #1	
8224932	13081	3508321384		103		SALATHIEL #1	
8224931	13084	3508722046		103		STEWART #1	
-GOMACO INC				RECEIVED:	03/22/82	JA: OK	
8224918	16367	3508321802		102-4		LUCKINBILL #1-13	
-GREEN OPERATING CO				RECEIVED:	03/22/82	JA: OK	
8224941	16318	3508120895		102-4	103	KECK #1	
-HARPER OIL COMPANY				RECEIVED:	03/22/82	JA: OK	
8224864	13231	3504722697		103		MUNKRES #2	
-HENRY H GUNGOLL ASSOCIATES				RECEIVED:	03/22/82	JA: OK	
8224889	12937	3515100000		108		MCMURPHY #1-21	
-HIGHLANDS GOODALL & GREER INC				RECEIVED:	03/22/82	JA: OK	
8224879	13227	3507322815		103		PERDUE #1	
-JAY PETROLEUM INC				RECEIVED:	03/22/82	JA: OK	
8224875	13206	3510920503		103		KERR #1	
-JIMMY W GRAY				RECEIVED:	03/22/82	JA: OK	
8224873	13201	3504921568		103		WALLY #2	
8224874	13202	3504900000		103		WALLY #3	
-JOHN C OXLEY				RECEIVED:	03/22/82	JA: OK	
8224893	7524	3512120726		103		SMITH #1	
-JONES & PELLOW OIL CO				RECEIVED:	03/26/82	JA: OK	
8225080	13264	3508720630		103		BOLES 20-2	
8225079	13263	3508720629		103		DAVIS 16-2	
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	03/22/82	JA: OK	
8224909	13132	3515135290		108		C J HULL #1	
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	03/26/82	JA: OK	

FIELD NAME	PROD	PURCHASER
E BLACKWELL	1.2	CORONADO TRANSMIS
MC COY	400.0	PANHANDLE EASTERN
PRAIRIE VALLEY	3.8	ARCO OIL & GAS CO
UNNAMED	8.8	CITIES SERVICE GA
	360.0	PHILLIPS PETROLEU
YALE QUAY	360.0	PHILLIPS PETROLEU
	90.0	EL PASO NATURAL G
	98.0	SUNGAS CO
S E NEWCASTLE	13.0	SUN GAS CO
	0.0	EL PASO NATURAL G
ELK CITY ATOKA	122.6	EL PASO NATURAL G
BURNS FLAT	0.0	NATURAL GAS PIPEL
BLANCHARD	0.0	
SOONER TREND	0.0	CONOCO INC
E GRAND VALLEY	0.0	PHILLIPS PETROLEU
FLORIS	150.0	PANHANDLE EASTERN
MERIDIAN	175.0	SUN GAS CO
S BALKO	0.0	NORTHERN NATURAL
LAKE GUTHRIE SOUTH	29.0	WESTERN STATES GA
CARNEY TOWNSITE SKINN	1.8	SUN GAS CO
SOONER TREND	91.0	ARKANSAS LOUISIAN
NE FARRY	5.0	PRODUCER GAS CO
SOONER TREND	0.0	PHILLIPS PETROLEU
WEST EDMOND	150.0	PHILLIPS PETROLEU
ANTIOC	365.0	WARREN PETROLEUM
ANTIOC	365.0	WARREN PETROLEUM
RUSSELLVILLE	408.0	
NORTH DIBBLE	36.0	SUN GAS CO
NORTH DIBBLE	36.0	SUN GAS CO
N E WAYNOKA	18.0	CITIES SERVICE GA

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JD	JA DKT	API NO	U SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8225191	13178	35 0320796	103		HOOD #2	NORTH CLEO SPRINGS	50.0	UNION TEXAS PETRO
8225078	12171	3513921360	103		REITZ #2	EAST HOOKER	200.0	TEXACO INC
-KENNEDY & MITCHELL INC			RECEIVED:	03/22/82	JA: OK			
8224887	02021	3500700000	103		BARBY #10-113	UNDESIGNATED (SW SW 6	100.0	NORTHERN NATURAL
8224935	03384	3500700000	103		CARRIER #16-161	LAVERNE (MORROW) (SE	82.0	NORTHERN NATURAL
8224888	02014	3500700000	103		KLIEWER #6-93-2	UNDESIGNATED FIELD (C	145.0	NORTHERN NATURAL
-L & T OIL & GAS INC			RECEIVED:	03/22/82	JA: OK			
8224885	13152	3507323192	103		WASSON #1	SOONER TREND	0.0	PHILLIPS PETROLEU
-L & T OIL & GAS INC			RECEIVED:	03/26/82	JA: OK			
8225090	13172	3510321336	103		CAMPBELL #7	SE ASP	0.0	AMINOIL USA INC
-L O WARD			RECEIVED:	03/22/82	JA: OK			
8224913	13091	3502720540	103		OKLAHOMA C-16 #4	NW MOORE	175.0	SUN GAS CO
-LADD PETROLEUM CORPORATION			RECEIVED:	03/22/82	JA: OK			
8224910	13096	3509321996	103		CONDREAY #2	SEILING NORTH	67.3	MICHIGAN-WISCONSI
8224911	13095	3509322067	103		COPPOCK A #2	RINGWOOD	191.6	RINGWOOD GATHERIN
8224912	13094	3504321194	103		MC DANIEL #1	SEILING WEST	123.2	DELHI GAS PIPELIN
-LELAND PETROLEUM PRODUCTION INC			RECEIVED:	03/22/82	JA: OK			
8224897	13055	3509112091	103		COLBURN #1	SE CHECOTAH	0.0	
8224898	13056	3509120292	103		JONES #1	SE CHECOTAH	0.0	
-LOGOS OIL INC			RECEIVED:	03/26/82	JA: OK			
8225066	16373	3510720849	102-4		SPERRY 1-A		1800.0	SWAB CORP
8225065	16372	3510720844	102-4		SPERRY 3-A		800.0	SWAB CORP
8225070	16377	3510720845	102-4		SPERRY 4-A		150.0	SWAB CORP
8225069	16376	3510720846	102-4		SPERRY 5-A		1800.0	SWAB CORP
8225068	16375	3510700000	102-4		SPERRY 6-A		800.0	SWAB CORP
8225067	16374	3510700000	102-4		SPERRY 7-A		800.0	SWAB CORP
8225071	16378	3510720849	102-4		SPERRY 8-A		360.0	SWAB CORP
-LUBELL OIL CO			RECEIVED:	03/22/82	JA: OK			
8224884	13150	3512120859	103		LUBELL #1-28 PEARSON	ULAN	200.0	
-MAPCO PRODUCTION COMPANY			RECEIVED:	03/22/82	JA: OK			
8224916	11051	35 4520901	103		BROWN #2-27	WEST SHATTUCK	100.0	TRANSWESTERN PIPE
8224958	11052	3504520850	103		PIERCE 28-1	WEST SHATTUCK	100.0	TRANSWESTERN PIPE
-MASSEY & MASSEY			RECEIVED:	03/22/82	JA: OK			
8224948	15741	3504722883	102-4		LEE "A" #1 OTC #047-71969	SOONER TREND	540.0	PHILLIPS PETROLEU
-NFC PETROLEUM CORP			RECEIVED:	03/22/82	JA: OK			
8224880	13228	3506320674	103		COOPER 1-1	SOUTH DUSTIN	1.1	OKLAHOMA GAS & EL
8224881	13229	3506320662	103		DOUGLAS 1-1	SOUTH DUSTIN	8.6	OKLAHOMA GAS & EL
-NOBLE OPERATING INC			RECEIVED:	03/22/82	JA: OK			
8224917	09341	3509321942	103		SHOLTESS #1	NW OKEENE	0.0	DELHI GAS PIPELIN
-OIL LIFT INC			RECEIVED:	03/26/82	JA: OK			
8225064	16341	3510525588	102-2		ALEXANDER #1-23 (API 10525588)	SOUTH COFFEYVILLE	36.5	PELICAN PIPELINE
-ONG EXPLORATION INC			RECEIVED:	03/22/82	JA: OK			
8224883	13149	3502720523	103		LITTLE CHARLEY #1	S E LITTLE AXE	150.0	SUN GAS CO
-P-T LTD 80			RECEIVED:	03/22/82	JA: OK			
8224901	7860	3504722260	103		FUXA #21-1	SOONER TREND	40.0	WELLHEAD ENTERPRI
-PETRA PETROLEUM CORP			RECEIVED:	03/22/82	JA: OK			
8224908	13248	3511721106	102-2		STATE #16-6	GREENUP	0.0	COLORADO GAS COMP
-PETRO-LEWIS CORPORATION			RECEIVED:	03/22/82	JA: OK			
8224892	12618	3505121123	103		FEDLER #2	WEST MARLOW	620.5	ARKANSAS LOUISIAN
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	03/22/82	JA: OK			
8224924	13321	3504721516	108		ALWERT "A" #1	SOONER TREND	0.0	TRANSOK PIPELINE
8224922	13324	3504721186	108		APEL "A" #1	SOONER TREND	0.0	TRANSOK PIPELINE
8224928	13315	3504721420	108		EARNHEART "A" #1	SOONER TREND	0.0	TRANS OK PIPELINE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8224925	13318	3504721469		108		EHLERS "C" #2	SOONER TREND	8.6	TRANSOK PIPELINE
8224951	13326	3504721463		108		GEORGE "A" #1	SOONER TREND	12.5	TRANSOK PIPELINE
8224895	12977	3501721395		108		HEUPEL A #1	N CONCHO	15.0	PANHANDLE EASTERN
8224950	13687	3501721419		108-ER		KELLER "D" #1	NORTH CONCHO	13.5	PANHANDLE EASTERN
8224923	13323	3504721184		108		LICHTENBERG "A" #1	S E ENID	0.0	TRANSOK PIPELINE
8224926	13317	3504721242		108		SCHNEIDER "A" #1	SOONER TREND	2.4	TRANSOK PIPELINE
8224927	13316	3504721209		108		SLOUP "A" #1	SOONER TREND	10.0	TRANSOK PIPELINE
8224891	10639	3513921447		103		STRAT #2	SOUTH GUYMON	0.0	PANHANDLE EASTERN
8224921	13325	3504721517		108		TROJAN A #1		0.0	PANHANDLE EASTERN
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		03/26/82 JA: OK			
8225062	13313	3501521127		103		EAST BINGER UNIT #45-2		60.0	OKLAHOMA NATURAL
8225057	13319	3501721454		103		MASON "B" #1	UNION CITY	192.0	
8225063	13314	3501729750		103		SHUTTEE A #1		0.0	
-POTTS-STEPHENSON EXPLORATION CO				RECEIVED:		03/22/82 JA: OK			
8224877	13211	3512120845		103		PRICE #3-32	QUINTON DISTRICT	0.0	SOUTHEAST TRANSMI
8224878	13212	3512120892		103		VANDERSALL #2-32	NW FEATHERSTON	0.0	SOUTHEAST TRANSMI
-PRESTON CARTER OIL CO				RECEIVED:		03/26/82 JA: OK			
8225075	11616	3501900000		108		BUMPASS #1	SHOLEM ALECHEM	8.9	MOBIL OIL CORP
-R J WALKER OIL CO INC				RECEIVED:		03/22/82 JA: OK			
8224902	12974	3508720527		103		DOSS TRUST UNIT #1	NORTH DIBBLE	180.0	SUN GAS CO
-RALPH E PLOTNER OIL & GAS INVEST IN				RECEIVED:		03/26/82 JA: OK			
8225061	13308	3501721830		103		ANNUSCHAT #1-2	NORTH CONCHO	25.0	PHILLIPS PETROLEU
8225059	13306	3501721933		103		CARL GOODMAN #1-35	NORTH YUKON	29.0	CONOCO INC
8225094	13303	3501722038		103		E ROTHER #1-28	WEST PIEDMONT	20.0	PHILLIPS PETROLEU
8225095	13304	3501721935		103		KNOX #1-16	NORTH PIEDMONT	18.0	PHILLIPS PETROLEU
8225060	13307	3501721980		103		NICHOLS #1-24	YUKON	18.0	CONOCO INC
8225058	13302	3501722018		103		VINCENT #1-28	WEST PIEDMONT	150.0	PHILLIPS PETROLEU
-ROY LAWRENCE DRILLING CO INC				RECEIVED:		03/22/82 JA: OK			
8224865	13142	3511700000		103		RYAN #2	MARAMEC POOL	80.0	COLORADO GAS COMP
-SAMEDAN OIL CORPORATION				RECEIVED:		03/22/82 JA: OK			
8224942	16284	3501922310		102-4		GILLASPY #1	NO NAME	42.0	AMINOIL USA INC
8224944	16282	3501922311		102-4		JOY #1	NO NAME	40.0	AMINOIL USA INC
8224943	16283	3501922247		102-4		MORGAN #1	NO NAME	12.0	AMINOIL USA INC
-SAMSON RESOURCES COMPANY				RECEIVED:		03/22/82 JA: OK			
8224955	12591	3507920372		102-4	103	DAVIS UNIT #1	EAST CEDARS	42.2	ARKANSAS LOUISIAN
-SENECA OIL COMPANY				RECEIVED:		03/22/82 JA: OK			
8224919	15303	3501722096		102-2	103	GARTEN #2-29	PIEDMONT	78.8	
-SHAR-ALAN OIL CO				RECEIVED:		03/22/82 JA: OK			
8224896	12987	3509321992		103		ABRAHAM B EITZEN #1	S ISABELLA	150.0	CITIES SERVICE CO
8224903	12989	3509322160		103		LOGAN MONSEES #1	SOONER TREND	0.0	PHILLIPS PETROLEU
-SHELL OIL CO				RECEIVED:		03/26/82 JA: OK			
8225074	09158	3500721825		103		BARBY B 2-8	MOCANE LAVERNE	411.0	EL PASO NATURAL G
8225072	07792	3500721504		103		BELLAMY 2-23	MOCANE LAVERNE	231.0	EL PASO NATURAL G
8225073	7870	3513921302		103		SWINGER 2-25	S W HOOKER	176.0	NATURAL GAS PIPEL
-SITCO INC				RECEIVED:		03/22/82 JA: OK			
8224886	13151	3507322920		103		HAY #1	WEST ROXANNA	0.0	EASON OIL CO
-SOUTHLAND ROYALTY CO				RECEIVED:		03/22/82 JA: OK			
8224868	13245	3504321130		103		WALTERS 1-13	WEST FONDA	124.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED:		03/26/82 JA: OK			
8225092	13243	3515121127		103		HELEN LEE 1-31	N E LOVEDALE	73.0	EL GRANDE PIPELIN
8225093	13244	3505921058		103		WOOLFOLK 1-20	N E LOVEDALE	120.0	MICHIGAN WISCONSI
-SOUTHPORT EXPLORATION INC				RECEIVED:		03/22/82 JA: OK			
8224949	13939	3515321038		108-ER		LYDICK #1-13	FREEDOM	128.0	MICHIGAN WISCONSI

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-SOUTHWESTERN EXPLOR CONSULTANTS INC RECEIVED: 03/22/82 JA: OK									
8224900	09315	3510320870		103		NEUNDORF #1	POLO	0.0	AMINOIL USA INC
-SOUTHWESTERN EXPLOR CONSULTANTS INC RECEIVED: 03/26/82 JA: OK									
8225089	13165	3510321290		103		BRUNKEN #1	POLO	0.0	AMINOIL USA INC
8225088	13164	3510321389		103		KROEKER #1	POLO	0.0	AMINOIL USA INC
-TENNECO OIL COMPANY		RECEIVED: 03/26/82 JA: OK							
8225077	13131	3509321560		103		LINK #2-13	SEILING NORTHEAST	100.0	MICHIGAN WISCONSI
-TEXAS AMERICAN OIL CORP		RECEIVED: 03/22/82 JA: OK							
8224869	13297	3504722543		103		C DUNLAP #29-1	SOONER TREND	131.4	PANHANDLE EASTERN
-TEXAS OIL & GAS CORP		RECEIVED: 03/22/82 JA: OK							
8224882	13123	3507322042		108		DETERMAN #1	N E ALTONA	146.0	DELHI GAS PIPELIN
-VIERSEN & COCHRAN		RECEIVED: 03/26/82 JA: OK							
8225086	16346	3512920683		102-2		WOODHOUSE #1-34	NW HAMMOND	200.0	PRODUCERS GAS CO
-W C PAYNE		RECEIVED: 03/22/82 JA: OK							
8224866	13233	3507322952		103		MUSICK 1-1	SOONER TREND	100.0	CONOCO INC
-WM GRUENERWALD & ASSOC INC		RECEIVED: 03/26/82 JA: OK							
8225081	13278	3507322259		103		WITTROCK #1	ALPHA SOUTHEAST	30.0	WARREN PETROLEUM
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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
**********									
-ABSTRACT RESOURCES		RECEIVED: 03/26/82 JA: PA							
8224959	11002	3712330160		102-2		R E LOCHNER #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
8224960	11001	3712330160		107-TF		R E LOCHNER #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
-ASHTOLA PRODUCTION CO		RECEIVED: 03/26/82 JA: PA							
8224962	10990	3712921875		103		C N PERKEY #1	MAYFIELD POOL	8.0	
8224969	10997	3712921868		103		CLYDE H LOWE #1	HAWKEYE POOL	21.0	
8224966	10994	3712921757		103		G FRETTS #1	HAWKEYE POOL	70.0	
8224971	10999	3712921882		103		G FRETTS #2	HAWKEYE POOL	60.0	
8224970	10998	3712921872		103		G HIXON #1	HAWKEYE POOL	13.0	
8224961	10989	3712921758		103		H ZGORECKI #1	HAWKEYE POOL	19.0	
8224964	10992	3712921880		103		H ZGORECKI #2	MAYFIELD POOL	21.0	
8224965	10993	3712921759		103		J D SMOUSE #1	HAWKEYE POOL	21.0	
8224968	10996	3712921884		103		J WARHOLA #1	HAWKEYE POOL	5.0	
8224967	10995	3712921871		103		JOHN M GUZY #1	HAWKEYE POOL	21.0	
8224963	10991	3712921750		103		M LAPOTOVSKY #1	MAYFIELD POOL	40.0	
-BOYD & SHRIVER		RECEIVED: 03/26/82 JA: PA							
8224972	10552	3700500000		108		SMITH #8	RED BANK	0.0	PEOPLES NATURAL G
-CABOT OIL & GAS CORP		RECEIVED: 03/26/82 JA: PA							
8224977	10867	3703921317		102-2		CARROLL'S NURSERY CO #1	WAYNE	50.0	TENNESSEE GAS PIP
8224983	10868	3703921317		107-TF		CARROLL'S NURSERY CO #1	WAYNE	50.0	TENNESSEE GAS PIP
8224978	10869	3703921328		102-2		CHARLES BISH #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8224984	10870	3703921328		107-TF		CHARLES BISH #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8224974	10859	3708520297		102-2		ELISHA FREE #1	DEER CREEK	50.0	TENNESSEE GAS PIP
8224980	10860	3708520297		107-TF		ELISHA FREE #1	DEER CREEK	50.0	TENNESSEE GAS PIP
8224975	10863	3703921318		102-2		GEORGE EVERETT #1	WAYNE	50.0	TENNESSEE GAS PIP
8224981	10864	3703921318		107-TF		GEORGE EVERETT #1	WAYNE	50.0	TENNESSEE GAS PIP
8224973	10857	3703921284		102-2		ORVILLE MALONEY #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8224979	10858	3703921284		107-TF		ORVILLE MALONEY #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8224976	10865	3708520312		102-2		URA MILLER #2	DEER CREEK	50.0	TENNESSEE GAS PIP
8224982	10866	3708520312		107-TF		URA MILLER #2	DEER CREEK	50.0	TENNESSEE GAS PIP
-CARDINAL OIL CO		RECEIVED: 03/26/82 JA: PA							
8224985	10756	3703900000		107-TF		JOHN W KORT #80-18 PA PER CRA-20770	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CLARION OIL & GAS CORP		RECEIVED: 03/26/82 JA: PA							

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8224986	10072	3713120982		103		GRIFFITH #5	GRIFFITH VALLEY	300.0	NORTH PENN GAS CO
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:		03/26/82 JA: PA			
8224996	11009	3706521547		103		EUGENE CATALANO WN-1563	MCCALMONT TOWNSHIP	27.0	GENERAL SYSTEM PU
8224994	10898	3703321156		103		G MADERIA #2 WN-1876	PENN	34.0	GENERAL SYSTEM PU
8224993	10897	3703321111		103		G MADERIA WN-1873	PENN	47.0	GENERAL SYSTEM PU
8224995	11008	3706326502		103		H RAY PIFER WN-1804	CANOE TOWNSHIP	41.0	GENERAL SYSTEM PU
8224991	10895	3703321105		103		HIXON-SELNER UNIT WN-1874	PIKE	4.0	GENERAL SYSTEM PU
8224992	10896	3703321110		103		J FRANCE REFRACTORIES WN-1872	BLOOM	18.8	GENERAL SYSTEM PU
8224989	10840	3703321115		103		JAMES C BROTHERS WN-1856	BURNSIDE	112.0	GENERAL SYSTEM PU
8224987	10841	3706326438		102-2		JOHN BETZA WN-1866	GREEN	55.8	GENERAL SYSTEM PU
8224990	10894	3703321140		103		L L MANLEY WN-1877	PENN	5.0	GENERAL SYSTEM PU
8224988	10839	3703321167		103		LUKE BROWN WN-1868	BURNSIDE	23.7	GENERAL SYSTEM PU
-CUMBERLAND OIL CORP				RECEIVED:		03/26/82 JA: PA			
8224997	11224	3712330128		103		MIDWEST CAMPERS #4	SUGAR GROVE	20.0	NATIONAL FUEL GAS
8224998	10712	3712330128		107-TF		MIDWEST CAMPERS #4	SUGAR GROVE	20.0	NATIONAL FUEL GAS
-DELTA DRILLING CO				RECEIVED:		03/26/82 JA: PA			
8225002	10951	3706326225		102-2		F D SMITH #1 IND 26225	CHERRYHILL FIELD	0.0	COLUMBIA GAS TRAN
8225008	10952	3706326225		103		F D SMITH #1 IND 26225	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8225000	10947	3706326241		102-2		HINES-CLARK UNIT #1 IND 26241	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8225006	10948	3706326241		103		HINES-CLARK UNIT #1 IND 26241	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8225001	10949	3706326470		102-2		R ST CLAIR #1 IND 26470	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8225007	10950	3706326470		103		R ST CLAIR #1 IND 26470	CHERRYHILL FIELD	0.0	COLUMBIA GAS TRAN
8225004	10944	3706326498		103		RHEA LAWER #2 IND 26498	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8225003	10943	3706326499		103		RHEA LAWER #3 IND 26499	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8224999	10945	3706326541		102-2		W H BECK #2 IND 26541	CHERRYHILL FIELD	0.0	COLUMBIA GAS TRAN
8225005	10946	3706326541		103		W H BECK #2 IND 26541	CHERRYHILL	0.0	COLUMBIA GAS TRAN
-DOC-NCC SERVICE CO				RECEIVED:		03/26/82 JA: PA			
8225009	10980	3712921909		102-2		HELEN LEIGHTY 682-2	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8225010	10981	3712921983		102-2		IRENE BOWSER 819-3	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
-ENERGY PRODUCTION CO				RECEIVED:		03/26/82 JA: PA			
8225013	10969	3706326047		103		B F OLIVER #3	NOLO MOUNTAIN	9.6	COLUMBIA GAS TRAN
8225012	10968	3706326523		103		B F OLIVER #4	NOLO MOUNTAIN	57.6	COLUMBIA GAS TRAN
8225014	10970	3706326500		103		CHARLES ALTEMUS #1	NOLO MOUNTAIN	83.2	COLUMBIA GAS TRAN
8225011	10967	3706326501		103		EASTERN ORTHODOX FOUNDATION #1	NOLO MOUNTAIN	9.6	COLUMBIA GAS TRAN
8225015	10971	3706326485		103		LACARTE ENTERPRISES INC #1	NOLO MOUNTAIN	76.8	COLUMBIA GAS TRAN
-FAIRMAN DRILLING CO				RECEIVED:		03/26/82 JA: PA			
8225016	11022	3703321042		102-2		EARL BUTERBAUGH JR #1 F-3022	CHERRY TREE	20.0	COLUMBIA GAS TRAN
8225017	11023	3703321044		102-2		EARL BUTERBAUGH JR #3 F-3032	CHERRY TREE	20.0	COLUMBIA GAS TRAN
8225018	11024	3703300000		102-2		EARL BUTERBAUGH JR #4 F-3033	CHERRY TREE	20.0	COLUMBIA GAS TRAN
8225019	11025	3703300000		102-2		EARL BUTERBAUGH JR #5 F-3074	CHERRY TREE	20.0	COLUMBIA GAS TRAN
8225022	11020	3706326327		103		JOHN E GASTON #1 F-3199	JUNEAU	30.0	CONSOLIDATED GAS
8225023	11021	3706326328		103		JOHN E GASTON# 2 F-3200	JUNEAU	30.0	CONSOLIDATED GAS
8225021	11019	3706326340		103		LINDSEY COAL MINING CO #11 F-3192	GRACETON	20.0	COLUMBIA GAS TRAN
8225020	11018	3706326337		103		LINDSEY COAL MINING CO #8 F-3196	GRACETON	18.0	COLUMBIA GAS TRAN
8225024	11005	3706323072		108		WILBUR W BELL #1 F-1303	CREEKSIDE	17.0	PEOPLES NATURAL G
8225026	11007	3706325422		108		WILBUR W BELL #3 F-2758	CREEKSIDE	17.0	PEOPLES NATURAL G
8225025	11006	3706323297		108		WILBUR W BELL#2 F-1360	CREEKSIDE	17.0	PEOPLES NATURAL G
-FOX OIL & GAS INC				RECEIVED:		03/26/82 JA: PA			
8225029	11029	3706326449		103		DOYLE F SESABAUGH #2	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
8225027	11026	3706326466		103		GEORGE BAKER #3	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
8225028	11027	3706326245		103		MICHAEL GLOBUN #1	MONTGOMERY TOWNSHIP	25.5	COLUMBIA GAS TRAN
-INTERNATIONAL PETROLEUM SERVICE CO				RECEIVED:		03/26/82 JA: PA			
8225030	10972	3705323182		103		GRETA KOPPEL #1 TRACT 5134-11	WILDCAT EAST OF GUITO	15.0	NATIONAL FUEL GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-J C ENTERPRISES				RECEIVED:	03/26/82	JA: PA			
8225031	10742	3706522374		103		ANDREW LASKA 181-1 JEF - 22374	VALIER	30.0	
-KRIEBEL WELLS 81				RECEIVED:	03/26/82	JA: PA			
8225032	10749	3706326623		103		WILHELM #2	PURCHASE LINE	29.0	
-LOUIS TAUBMAN				RECEIVED:	03/26/82	JA: PA			
8225056	11000	3706322450		103		J & S MCKEE #3	WHITE	0.0	
-MERIDIAN EXPLORATION CORP				RECEIVED:	03/26/82	JA: PA			
8225036	10984	3704921472		107-TF		B BATCHELOR #590-1	EDINBORO NORTH	0.0	NATIONAL FUEL GAS
8225035	10983	3704921248		107-TF		E SHERRED UNIT #562-1	EDINBORO NORTH	0.0	COLUMBIA GAS TRAN
8225033	10890	3703921367		102-2		V MAHAN #584-2	CAMBRIDGE SPRINGS	30.0	NATIONAL FUEL GAS
8225034	10891	3703921367		107-TF		V MAHAN #584-2	CAMBRIDGE SPRINGS	30.0	NATIONAL FUEL GAS
-NORTHWEST NATURAL GAS CO				RECEIVED:	03/26/82	JA: PA			
8225049	10938	3704921444		103		ARLO & VIVIAN POTTER #1	CONNEAUT	0.0	NATIONAL FUEL DIS
8225050	10939	3704921556		103		ARLO & VIVIAN POTTER #2	CONNEAUT	0.0	NATIONAL FUEL DIS
8225052	10941	3703921280		103		CARL & BARBARA TIMKO #1	CONNEAUT	0.0	NATIONAL FUEL DIS
8225053	10942	3703921281		103		CARL & BARBARA TIMKO #2	CONNEAUT	0.0	NATIONAL FUEL DIS
8225039	10928	3703920799		103		DAVID & FELICIDAD GUIANEN #1	CONNEAUT	0.0	NATIONAL FUEL DIS
8225037	10925	3703920813		103		EDWARD BOBULA #1	CONNEAUT	0.0	NATIONAL FUEL DIS
8225043	10932	3703921305		103		FRANK J KNAPP (TROYER)	CONNEAUT	0.0	NATIONAL FUEL DIS
8225046	10935	3703920945		103		FRED & JEANNE MOON #2	CONNEAUT	0.0	NATIONAL FUEL DIS
8225051	10940	3703921279		103		HENRY & KATHERINE RIPPERT #3	CONNEAUT	0.0	NATIONAL FUEL DIS
8225038	10926	3704921058		103		JANET M CRAIG #2	CONNEAUT	0.0	NATIONAL FUEL DIS
8225040	10929	3703921338		103		JOHN & BILLIE GRUNDEN #2	CONNEAUT	0.0	NATIONAL FUEL DIS
8225042	10931	3703921275		103		JOHN HEPAK JR #1	CONNEAUT	0.0	NATIONAL FUEL DIS
8225044	10933	3703921278		103		JOHN PAUL & MARY KULIK #2	CONNEAUT	0.0	NATIONAL FUEL DIS
8225048	10937	3703921303		103		JOSEPH & BARBARA NEIDERMEYER #2	CONNEAUT	0.0	NATIONAL FUEL DIS
8225045	10934	3703920961		103		LAWRENCE & BETTY MILLER #2	CONNEAUT	0.0	NATIONAL FUEL DIS
8225041	10930	3703921277		103		PHILLIP & BARBARA HAUSMAN #1	CONNEAUT	0.0	NATIONAL FUEL DIS
8225047	10936	3703921400		103		RAYMOND & CHRISTINE MORRISON #1	CONNEAUT	0.0	NATIONAL FUEL DIS
-PHILLIPS PRODUCTION CO				RECEIVED:	03/26/82	JA: PA			
8225055	8527	3706323681		108		JAY T KISSINGER #1	CENTER	12.0	COLUMBIA GAS TRAN
8225054	10965	3706326318		103		KARL E BENNETT #1	RAYNE	25.0	

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WEST VIRGINIA DEPARTMENT OF MINES

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-CITIES SERVICE COMPANY				RECEIVED:	03/22/82	JA: WV			
8224857		4703501206		108		BENSON A-1	CHARLESTON	20.0	COLUMBIA GAS TRAN
8224856		4703500305		108		CARNEY A2	CHARLESTON	0.9	COLUMBIA GAS TRAN
8224862		4706700032		108		DICKINSON B #10	GAULEY	20.7	EQUITABLE GAS CO
8224863		4703902445		108		HUGHART C 1	KAPUT	16.6	CONSOLIDATED GAS
8224859		4701700949		108		MAXWELL D #20	SMITHBURG	16.8	CONSOLIDATED GAS
8224860		4701701062		108		MAXWELL D #22	SMITHBURG	14.2	CONSOLIDATED GAS
8224861		4701701104		108		MAXWELL D #23	SMITHBURG	20.1	CONSOLIDATED GAS
8224858		4701700845		108		SHERWOOD A-4	SMITHBURG	8.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED:	03/25/82	JA: WV			
8224844		4701702528		108		J-100	NEW MILTON	0.0	CONSOLIDATED GAS
8224847		4701702653		108		J-101	NEW MILTON	0.0	CONSOLIDATED GAS
8224853		4702103596		108		J-238	TROY	0.0	CONSOLIDATED GAS
8224850		4701726960		108		J-275	NEW MILTON	0.0	CONSOLIDATED GAS
8224848		4701702686		108		J-277	WEST UNION	0.0	CONSOLIDATED GAS
8224849		4701702689		108		J-278	WEST UNION	0.0	CONSOLIDATED GAS
8224846		4701702599		108		J-38	NEW MILTON	0.0	CONSOLIDATED GAS
8224851		4701702701		108		J-41	NEW MILTON	0.0	CONSOLIDATED GAS

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8224852		4701702734		108		J-42	NEW MILTON	0.0	CONSOLIDATED GAS
8224843		4701702471		108		J-58 (K-271-#1)	GRANT	0.0	CONSOLIDATED GAS
8224845		4701702572		108		J-72	WEST UNION	0.0	CONSOLIDATED GAS
-PETRO-LEWIS CORPORATION				RECEIVED:	03/25/82	JA: WV			
8224842		4709701488		108		CUTRIGHT #1	UNION DISTRICT	1.4	PARTNERSHIP PROPE
-RUSSELL V JOHNSON JR				RECEIVED:	03/25/82	JA: WV			
8224854		4701702739		108		E J NICHOLSON #2	INDIAN FORK NEW MILTO	2.0	COLUMBIA GAS TRAN
8224855		4708504753		108		RICHARDS #1	ADDIS RUN	13.2	CONSOLIDATED GAS

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before May 5, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–10760 Filed 4–19–82: 8:45 am]
BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 13, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
ILLINOIS DEPARTMENT OF MINES & MINERALS									
-HAROLD W BRINKLEY				RECEIVED:	03/29/82	JA: IL			
8225100		1203300000		102-4		ALUMBAUGH #1	HEATHSVILLE	0.0	TEXAS GAS TRANSMI
8225101		1203300000		102-4		FROST-CRONKHITE #1	HEATHSVILLE	0.0	TEXAS GAS TRANSMI
8225102		1203300000		102-4		LONG #1	HEATHSVILLE	0.0	TEXAS GAS TRANSMI
KENTUCKY DEPARTMENT OF MINES & MINERALS									
-J W KINZER				RECEIVED:	03/26/82	JA: KY			
8225099	502460	1619300000		103		WAIN COMBS #1	BULL CREEK	0.0	KENTUCKY WEST VIR
-TEXAS INTERNATIONAL PET CORP				RECEIVED:	03/26/82	JA: KY			
8225098	502429	1617500000		107-DV		LUTHER & DULCENE CARPENTER #1	WILDCAT	0.0	
LOUISIANA OFFICE OF CONSERVATION									
-CASHCO ENERGY CORPORATION				RECEIVED:	03/25/82	JA: LA			
8225107	81-3003	1711300000		102-4		VERMILION PARISH SCHOOL BOARD #2	WILDCAT FIELD	730.0	DOW CHEMICAL CO
-EXXON CORPORATION				RECEIVED:	03/25/82	JA: LA			
8225104	82-133	1705721828		102-4		S L 1480 #27	LAKE RACCOURCI	1500.0	COLUMBIA GAS TRAN
-RESOURCES INVESTMENT CORPORATION				RECEIVED:	03/25/82	JA: LA			
8225103	82157	1700121003		102-4		GIRARD HOFFPAUIR JR #1	MIDLAND	413.2	LOUISIANA GAS SYS
-WESTLAND OIL DEVELOPMENT CORP				RECEIVED:	03/25/82	JA: LA			
8225105	81-1584	1702321584		102-4		E W BROWN ESTATE #1	GUM COVE	400.0	
8225106	81-1583	1702321596		102-4		ODOM #1	GUM COVE	600.0	
MONTANA BOARD OF OIL & GAS CONSERVATION									
-CANKEE OIL & GAS CO				RECEIVED:	03/26/82	JA: MT			
8225244	125	2501521505		108		STATE 2-16-T26N-R17E	CHIP CREEK	19.0	NORTHERN NATURAL
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO				RECEIVED:	03/26/82	JA: NM			
8225237		3001523436		102-4		STATE IR #1	BURTON FLAT ATOKA	170.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/26/82	JA: NM			
8225211		3002527549		103		H S RECORD WN #7	EUNICE (7R QN S)	5.5	PHILLIPS PETROLEU
8225221		3002511318		108		JALMAT STATE GAS COM #3	JALMAT	16.0	EL PASO NATURAL G
*8225225		3002509212		108		SEVEN RIVERS QUEEN UNIT PHASE II 44	LANGLIE MATTIX (7 RV	2.5	PHILLIPS PETROLEU
*8225226		3002509221		108		SEVEN RIVERS QUEEN UNIT PHASE II 56	LANGLIE MATTIX (7 RV	2.5	PHILLIPS PETROLEU
*8225223		3002509158		108		SEVEN RIVERS QUEEN UNIT PHASE II 40	LANGLIE MATTIX (7 RV	2.5	PHILLIPS PETROLEU
8225208		3004525146		103		STATE B COM #1E (DK)	BASIN DAKOTA	85.0	SOUTERN UNION GAT
8225209		3004525145		103		STATE E COM #1E (DK)	BASIN DAKOTA	99.0	SOUTHERN UNION GA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8225210		3002527452		103		STATE 731 #2	JALMAT-YATES 7 RIVERS	5.9	PHILLIPS PETROLEU
-CITIES SERVICE COMPANY				RECEIVED:		03/26/82 JA: NM			
8225224		3002512180		108		STATE P #2	SOUTH PADDOCK GLORIET	15.0	NORTHERN NATURAL
-DELTA DRILLING CO				RECEIVED:		03/29/82 JA: NM			
8225191		3001500000		102-2		BRANTLEY COM #1	SOUTH CULEBRA BLUFF (	0.0	EL PASO NATURAL G
-DOYLE HARTMAN OIL OPERATOR				RECEIVED:		03/29/82 JA: NM			
8225194		3002527660		103		ELLEN WEIR #1	EUMONT (GAS)	55.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:		03/26/82 JA: NM			
8225200		3003900000		108-PB		SAN JUAN 28-5 UNIT	BLANCO-MESA VERDE	0.0	EL PASO NATURAL G
8225217		3004507630		108		SCHULTZ COM F#11	AZTEC-FRUITLAND	22.0	EL PASO NATURAL G
-ELK OIL COMPANY				RECEIVED:		03/26/82 JA: NM			
8225239		3000561115		102-2		RUNYAN STATE #1	UNDESIGNATED ABO	90.0	TRANSWESTERN PIPE
-ENSERCH EXPLORATION INC				RECEIVED:		03/26/82 JA: NM			
8225231		3004120582		103		PEARL JORDAN #1	PETERSON N	13.0	TRANSWESTERN PIPE
-FRED POOL JR				RECEIVED:		03/26/82 JA: NM			
8225242		3000560987		102-2		BYROM STATE #1	UND WILDCAT	0.0	TRANSWESTERN PIPE
8225240		3000560992		102-2		EASTLAND STATE #1	UND WILDCAT	0.0	TRANSWESTERN PIPE
-GETTY OIL COMPANY				RECEIVED:		03/26/82 JA: NM			
8225215		3002527380		103		MYERS LANGLIE MATTIX #40	LANGLIE MATTIX	21.2	EL PASO NATURAL G
8225216		3002526908		103		MYERS LANGLIE MATTIX #94	LANGLIE MATTIX	1.0	EL PASO NATURAL G
8225214		3002527382		103		MYERS LANGLIE MATTIX UNIT #82	LANGLIE MATTIX	20.0	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED:		03/29/82 JA: NM			
8225193		3002527379		103		MYERS LANGLIE MATTIX UNIT #29	LANGLIE MATTIX	44.5	EL PASO NATURAL G
-GRACE PETROLEUM CORPORATION				RECEIVED:		03/26/82 JA: NM			
8225232		3002527462		103		GRIZZEL DEEP #1	BRUNSON	0.0	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED:		03/29/82 JA: NM			
8225195		3002527504		103		R R BELL (NCT-E) #4	HARDY DRINKARD	0.0	PHILLIPS PETROLEU
-HARVEY E YATES COMPANY				RECEIVED:		03/26/82 JA: NM			
8225234		3002527518		107-TF		AUSTIN 18 STATE COM #1	AUSTIN-MISSISSIPPIAN	0.0	EL PASO NATURAL G
8225233		3002523768		103		DAYTON STATE COM #1	UND ATOKA PENN	0.0	TRANSWESTERN PIPE
-HNG OIL COMPANY				RECEIVED:		03/26/82 JA: NM			
8225235		3002500000		102-2	103	SAN SIMON "5" STATE #1	SAN SIMON WOLFCAMP E	0.0	NATURAL GAS PIPEL
8225236		3001500000		102-2	103	SMITH "11" COM #1	WILDCAT (ATOKA)	548.0	UNITED GAS PIPELI
-JAKE L HAMON				RECEIVED:		03/29/82 JA: NM			
8225198		3001523660		103		STATE 32 COM #1	SPRINGS MORROW	219.0	NATURAL GAS PIPEL
-MARALO INC				RECEIVED:		03/26/82 JA: NM			
8225202		3002527631		103		SAMANTHA "7" STATE #1	BAUM-UPPER PENNSYLVAN	180.3	WARREN PETROLEUM
8225203		3002527631		103		SAMANTHA "7" STATE #1	BAUM-UPPER PENNSYLVAN	180.3	WARREN PETROLEUM
-MWJ PRODUCING CO				RECEIVED:		03/26/82 JA: NM			
8225201		3002500000		103		SAUNDERS 26 STATE	SAUDERS PERMO UPPER P	58.0	WARREN PETROLEUM
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:		03/26/82 JA: NM			
8225230		3004508501		108		GARRETT COM #1	AZTEC	10.0	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		03/26/82 JA: NM			
8225205		3002527275		103		E V GB/SA TR2980 #004	VACUUM GB/SA	31.0	EL PASO NATURAL G
8225227		3002502934		108		E VAC GB/SA UNIT TR 2923-052	VACUUM GRAYBURG/SAN A	1.0	EL PASO NATURAL G
8225204		3002527331		103		E VACUUM GB/SA TR 2437 #003	VACUUM GB/SA	0.0	EL PASO NATURAL G
8225228		3002524019		108		LEA #24	VACUUM NORTH ABO	0.4	EL PASO NATURAL G
8225207		3002527651		103		LEAMEX #32	MALJAMAR GB/SA	0.0	EL PASO NATURAL G
8225206		3002527652		103		LEAMEX #33	MALJAMAR GB/SA	0.0	EL PASO NATURAL G
8225229		3002504350		108		NEW #1	EUMONT YATES SEVEN RI	15.0	NORTHERN NATURAL
-PIONEER PRODUCTION CORPORATION				RECEIVED:		03/26/82 JA: NM			
8225212		3004500000		103		SHEPHERD-KELSEY #1-E	CHACRA,(UNDESIGNATED)	0.0	PIONEER CORP
8225213		3004500000		103		SHEPHERD-KELSEY #1-E	BASIN DAKOTA	0.0	PIONEER CORP

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JO NO	JA CKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-READ & STEVENS INC				RECEIVED:	03/26/82	JA: NM			
8225218		3000560332		108		HARRIS "16" STATE #1	UNDEISGNATED	2.0	PHILLIPS PETROLEU
8225219		3002525536		108		QUAIL STATE #1	QUAIL QUEEN	1.0	WARREN PETROLEUM
8225220		3002522069		108		STATE "BG" #1	WILDCAT	2.0	WARREN PETROLEUM
8225222		3002525887		108		WAINOCO STATE #1	QUAIL QUEEN	1.0	WARREN PETROLEUM
-SOUTHLAND ROYALTY CO				RECEIVED:	03/29/82	JA: NM			
8225192		3002500000		108		STATE #6	DRINKARD OIL	5.0	GETTY OIL CO
8225197		3001523805		103		WILLIAMS STATE COM #1	UNDEISGNATED	197.0	EL PASO NATURAL G
-W A MONCRIEF JR				RECEIVED:	03/26/82	JA: NM			
8225238		3001500009		102-4		JURNEGAN STATE "COM" #1	WILDCAT	643.1	EL PASO NATURAL G
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	03/29/82	JA: NM			
8225196		3002527303		103		W A WEIR (NCT-A) #2	EUNICE MONUMENT	0.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	03/26/82	JA: NM			
8225241		3001523926		102-3		TRIANGLE RANCH "RA" STATE #1	WILDCAT MORROW	0.0	TRANSWESTERN PIPE
**********									
OREGON DEPARTMENT OF GEOLOGY & MINERAL INDUSTRIES									
**********									
-REICHHOLD ENERGY CORP				RECEIVED:	03/25/82	JA: OR			
8225243		3600900045		102-2		COLUMBIA COUNTY 33-3	MIST GAS FIELD	1300.0	NORTHWEST NATURAL
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED:	03/25/82	JA: WV			
8225179		4708703441		103		G SNYDER #1	WALTON DISTRICT	18.0	COLUMBIA GAS TRAN
8225175		4708703441		107-DV		G SNYDER #1	WALTON DISTRICT	18.0	COLUMBIA GAS TRAN
8225176		4708703425		107-DV		INEZ HOLSWADE #1	SPENCER DISTRICT	18.0	ROARING FORK GAS
8225178		4708703425		103		INEZ HOLSWADE #1	SPENCER DISTRICT	18.0	ROARING FORK GAS
8225163		4708703442		103		L DAVIS #1	WALTON DISTRICT	36.0	COLUMBIA GAS TRAN
8225177		4708703442		107-DV		L DAVIS #1	WALTON DISTRICT	36.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:	03/25/82	JA: WV			
8225154		4703902976		108		J G DICKINSON 4-201	CABIN CREEK	1.5	CABOT CORP
-DEVON CORPORATION				RECEIVED:	03/25/82	JA: WV			
8225161		4703501567		107-DV		ANNA HAAS #988	RAVENSWOOD	14.0	COLUMBIA GAS TRAN
8225158		4703501565		107-DV		FRED JEWELL #986	RAVENSWOOD	35.0	COLUMBIA GAS TRAN
8225157		4703501562		107-DV		KENNETH ROWLEY #983	RAVENSWOOD	10.0	COLUMBIA GAS TRAN
8225156		4703501563		107-DV		KENNETH ROWLEY #984	RAVENSWOOD	13.0	COLUMBIA GAS TRAN
8225162		4703501566		107-DV		KENNETH ROWLEY #987	RAVENSWOOD	14.0	COLUMBIA GAS TRAN
8225160		4703501561		107-DV		WAYNE HUGHES #982	RAVENSWOOD	13.0	COLUMBIA GAS TRAN
8225159		4703501564		107-DV		WAYNE HUGHES #985	RAVENSWOOD	19.5	COLUMBIA GAS TRAN
-ENERGY UNLIMITED INC				RECEIVED:	03/25/82	JA: WV			
8225180		4707320832		108		ROBERT MATTINGLY #2	GRANT DISTRICT	3.0	CONSOLIDATED GAS
-INDUSTRIAL GAS ASSOCIATES				RECEIVED:	03/25/82	JA: WV			
8225173		4709500676		108		HATTIE BRADFORD #1 (TY-0676)	CENTERVILLE DISTRICT	4.0	CARNEGIE NATURAL
8225172		4709500679		108		HATTIE BRADFORD #2 TY-0679	CENTERVILLE DISTRICT	5.0	CARNEGIE NATURAL
8225174		4701702514		108		J MONTGOMERY #1 DOD-2514	CENTRAL DISTRICT	4.0	CARNEGIE NATURAL
-JAMES F SCOTT				RECEIVED:	03/25/82	JA: WV			
8225181		4704103058		103		AUBRA MICK S-353	HACKERS CREEK	48.0	CONSOLIDATED GAS
8225182		4704103038		103		ORIS WHITE S-346	HACKERS CREEK	53.0	CONSOLIDATED GAS
-STONEWALL GAS CO INC				RECEIVED:	03/25/82	JA: WV			
8225168		4700101081		108		D E CLEAVENGER #2	UNION	7.5	CONSOLIDATED GAS
8225169		4701702313		108		L S MCGEE #1	CENTRAL	7.5	CONSOLIDATED GAS
-TEXAS INTERNATIONAL PET CORP				RECEIVED:	03/25/82	JA: WV			
8225155		4706700563		103		FEDERAL COAL #12	TWENTY MILE CREEK	25.0	CABOT CORP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TRIO PETROLEUM CORP				RECEIVED:	03/25/82	JA: WV			
8225170		4702102604		108		MORRIS #3-A	GLENVILLE NORTH	8.0	CONSOLIDATED GAS
8225171		4702102777		108		MORRIS #4-A	GLENVILLE NORTH	8.0	CONSOLIDATED GAS
-TRIO PETROLEUM CORP				RECEIVED:	03/29/82	JA: WV			
8225190		4702102744		108		DESPARD A #1	GLENVILLE	0.0	CONSOLIDATED GAS
-UNITED OPERATING COMPANY				RECEIVED:	03/25/82	JA: WV			
8225167		4701702445		108		CUNNINGHAM #3	CABIN RUN	0.0	COLUMBIA GAS TRAN
8225165		4701702488		108		CUNNINGHAM #4	CABIN RUN	0.0	COLUMBIA GAS TRAN
8225166		4701702631		108		CUNNINGHAM #6	CABIN RUN	0.0	COLUMBIA GAS TRAN
8225164		4701702315		108		F F RANDOLPH 1-A	MEATHOUSE FORK	0.0	CONSOLIDATED GAS
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/29/82	JA: LA 3			
8225127	G1-2257	1770240630		102-5		OCS-G-3386 WC 601 "A" #A-1	WEST CAMERON	548.0	MICHIGAN WISCONSI
8225126	G1-2258	1770240637		102-5		OCS-G-3386 WC 601 "A" #A-4	WEST CAMERON	548.0	MICHIGAN WISCONSI
8225144	G1-2260	1770240638		102-5		OCS-G-3386 WC 601 "A" #A-6	WEST CAMERON	548.0	MICHIGAN WISCONSI
8225116	G1-2469	1770940442		102-1		OCS-G-3810 EUGENE ISL BLK 107 #A-2	EUGENE ISLAND	1000.0	SOUTHERN NATURAL
8225117	G1-2470	1770940442		102-1		OCS-G-3810 EUGENE ISL BLK 107 #A-2D	EUGENE ISLAND	115.0	SOUTHERN NATURAL
8225145	G1-2259	1770240639		102-5		OSC-G-3866 WC 601 "A" #A-5	WEST CAMERON	548.0	MICHIGAN WISCONSI
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/30/82	JA: LA 3			
8225184	G1-2310	1770240634		102-5		OCS-G-3386 WC 601 A A-2	WEST CAMERON	548.0	MICHIGAN WISCONSI
8225185	G1-2261	1770240640		102-5		OCSG-3386 WC 601 A A-7	WEST CAMERON	548.0	MICHIGAN WISCONSI
-CHEVRON U S A INC				RECEIVED:	03/29/82	JA: LA 3			
8225132	G1-2222	1772240033		102-5		OCS-G-2940 A-4	SOUTH PASS	401.0	TENNESSEE GAS PIP
-CITIES SERVICE COMPANY				RECEIVED:	03/29/82	JA: LA 3			
8225108	G1-2363	1770940294		102-5		E I 257 #4 E-1	EUGENE ISLAND AREA	2000.0	TENNESSEE GAS PIP
8225133	G1-2364	1770940293		102-5		E I 257 #5 E-2	EUGENE ISLAND AREA	2000.0	TENNESSEE GAS PIP
8225138	G1-2365	1770940342		102-5		E I 257 #6 E-3	EUGENE ISLAND AREA	2000.0	TENNESSEE GAS PIP
8225151	G1-2367	1770940428		102-5		EUGENE ISLAND 257 #E-6(UPPER)	EUGENE ISLAND AREA	1460.0	TENNESSEE GAS PIP
8225146	G1-2368	1770940434		102-5		EUGENE ISLAND 257 #E-7 (LOWER)	EUGENE ISLAND AREA	1460.0	TENNESSEE GAS PIP
8225130	G1-2369	1770940434		102-5		EUGENE ISLAND 257 #E-7 (UPPER)	EUGENE ISLAND AREA	1460.0	TENNESSEE GAS PIP
8225137	G1-2366	1770940428		102-5		EUGENE ISLAND 257 NO E-6 (LOWER)	EUGENE ISLAND AREA	1460.0	TENNESSEE GAS PIP
-CNG PRODUCING COMPANY				RECEIVED:	03/29/82	JA: LA 3			
8225131	G1-2240	1771040895		102-5		A-2S1	EUGENE ISLAND	1400.0	COLUMBIA GAS TRAN
-CONOCO INC				RECEIVED:	03/29/82	JA: LA 3			
8225143	G1-2321	1770940347		102-5		EUGENE ISLAND 243 A-2D	EUGENE ISLAND	1465.0	COLUMBIA GAS TRAN
8225129	G1-2372	1771740129		102-5		OCS 0130 GI BLK 41 W/2 #E-13	GRAND ISLE	400.0	TENNESSEE GAS PIP
8225148	G1-2442	1771740115		102-5		OCS 0130 GI BLK 41 W/2 E-12	GRAND ISLE	164.0	TENNESSEE GAS PIP
8225125	G1-2358	1770540298		102-5		VERMILION 119 G-2	VERMILION	834.0	TENNESSEE GAS PIP
8225124	G1-2359	1770540298		102-5		VERMILION 119 G-2D	VERMILION	1132.0	TENNESSEE GAS PIP
8225123	G1-2360	1770540383		102-5		VERMILION 119 G-3	VERMILION	1380.0	TENNESSEE GAS PIP
8225134	G1-2362	1770540267		102-5		VERMILION 119 G-6	VERMILION	1412.0	TENNESSEE GAS PIP
8225112	G1-2361	1770540396		102-5		VERMILION 119, G-4	VERMILION	558.0	TENNESSEE GAS PIP
-CONOCO INC				RECEIVED:	03/30/82	JA: LA 3			
8225183	G1-2309	1770340346		102-5		EAST CAMERON 42 C-3	EAST CAMERON	1424.0	TENNESSEE GAS PIP
-EXXON CORPORATION				RECEIVED:	03/29/82	JA: LA 3			
8225119	G1-2492	1771540444		102-1		OCS-G 4237 #F-4	SOUTH TIMBALIER	2300.0	TRUNKLINE GAS CO
8225120	G2-2575	1771540452		102-1		OCS-G 4237 #F-5	SOUTH TIMBALIER	1100.0	TRUNKLINE GAS CO
8225149	G1-2328	1771540360		102-5		OCS-018 #D-19	SOUTH TIMBALIER	700.0	TENNESSEE GAS PIP
-FOREST OIL CORPORATION				RECEIVED:	03/29/82	JA: LA 3			
8225147	G1-2145	1770840263		102-5		SOUTH MARSH ISLAND BLK 142 A-9A	SOUTH MARSH ISLAND	400.0	COLUMBIA GAS TRAN
8225140	G1-1839	1770840433		102-5		SOUTH MARSH ISLAND BLK 143 B-1D	SOUTH MARSH ISLAND	1050.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-GULF OIL CORPORATION				RECEIVED:	03/29/82	JA: LA 3			
8225111	G1-2504	1771540368		107-DP		OCS-G 2624 #B-15	SOUTH TIMBALIER	840.0	TEXAS EASTERN TRA
8225141	G1-2246	1771140565		102-5		SHIP SHOAL BLK 169 OCS-G 0820 #BB-4	SHIP SHOAL	165.0	TRANSCONTINENTAL
-HUNT OIL COMPANY				RECEIVED:	03/29/82	JA: LA 3			
8225139	G2-2547	1770940440		107-DP		#2	EUGENE ISLAND	2100.0	MICHIGAN WISCONSI
8225110	G2-2546	1770940420		107-DP		#5	EUGENE ISLAND	2700.0	MICHIGAN WISCONSI
-KERR-MCGEE CORPORATION				RECEIVED:	03/29/82	JA: LA 3			
8225113	G2-2550	1771140478		107-DP		OCS 0346 #36	SHIP SHOAL	0.0	TRANSCONTINENTAL
-MCMORAN OFFSHORE EXPLORATION CO				RECEIVED:	03/29/82	JA: LA 3			
8225128	G1-2351	1770240672		102-5		OCS-G 2545 #A-6	WEST CAMERON	5000.0	TEXAS EASTERN TRA
8225135	G1-2390	1770240675		102-5		OCS-G 2545 #A-7	WEST CAMERON	1640.0	TEXAS EASTERN TRA
8225136	G1-2386	1770240685		102-5		OCS-G 2545 #A-8	WEST CAMERON	3000.0	TEXAS EASTERN TRA
-MCMORAN OFFSHORE EXPLORATION CO				RECEIVED:	03/31/82	JA: LA 3			
8225186	G1-2330	1770240669		102-5		OCS-G 2545 A-3	WEST CAMERON	3000.0	TEXAS EASTERN TRA
8225188	G1-2336	1770240676		102-5		OCS-G 2545 A-4	WEST CAMERON	7000.0	TEXAS EASTERN TRA
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED:	03/31/82	JA: LA 3			
*8225187	G1-2338	1772540245		102-5		MAIN PASS 73 A-17A	MAIN PASS	110.0	SOUTHERN NATURAL
-ODECO OIL & GAS CO				RECEIVED:	03/29/82	JA: LA 3			
8225150	G1-2322	1771140573		102-5		OCS-064 #43A	SHIP SHOAL 113 FIELD	91.0	TRANSCONTINENTAL
8225115	G1-2464	1771140415		102-5		OCS-067 #32 B	SHIP SHOAL	73.0	TRANSCONTINENTAL
-SHELL OIL CO				RECEIVED:	03/29/82	JA: LA 3			
8225152	G1-2374	1770540057		102-5		OCS-G 2080 A-3A	VERMILION	600.0	NATURAL GAS PIPEL
8225122	G2-2534	1770940283		107-DP		OCS-G 3152 JA-1	EUGENE ISLAND	0.0	TRANSCONTINENTAL
-SHELL OIL CO				RECEIVED:	03/31/82	JA: LA 3			
8225189	G1-2334	1770920009		102-5		OCS-G 1220 17E	EUGENE ISLAND	125.0	MICHIGAN WISCONSI
-SUPERIOR OIL CO				RECEIVED:	03/29/82	JA: LA 3			
8225109	G2-2536	1773140020		102-1		OCS-G-4144 #E-4	SABINE PASS	1000.0	UNITED GAS PIPELI
8225121	G2-2525	1773140035		102-1		OCS-G-4144 #E-6	SABINE PASS	1000.0	UNITED GAS PIPELI
8225114	G2-2522	1770040236		102-5		OCS-0244 #15	WEST CAMERON	1000.0	MICHIGAN-WISCONSI
-TENNECO OIL COMPANY				RECEIVED:	03/29/82	JA: LA 3			
8225153	G1-2329	1770440421		102-5		EAST CAMERON 280 C-2	EAST CAMERON	660.0	TENNESSEE GAS PIP
-UNION OIL COMPANY OF CALIF				RECEIVED:	03/29/82	JA: LA 3			
8225118	G1-2476	1771540312		102-1		OCS-G 4000 #3	SOUTH TIMBALIER	3198.0	TENNESSEE GAS PIP
-AMINOIL USA INC				RECEIVED:	03/29/82	JA: TX 3			
8225142	G1-2096	4270940499		102-5		OCS-G-2712 #A-9D	HIGH ISLAND BLOCK A-5	58.0	COLUMBIA GAS TRAN
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
**********									
-PIONEER PRODUCTION CORPORATION				RECEIVED:	03/29/82	JA: NM 4			
8225199	NM-0976-81	3004508708		102-4		DUSTIN #1-E (CHACRA)	CHACRA (UNDESIGNATED)	0.0	PIONEER NATURAL G

OTHER PURCHASERS VOLUME NO 634

8225187	UNITED GAS PIPE LINE CO
8225223	PARTNERSHIP PROPERTIES CO
8225225	PARTNERSHIP PROPERTIES CO
8225226	PARTNERSHIP PROPERTIES CO

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-10761 Filed 4-19-82; 8:45 am]

BILLING CODE 6717-01-C

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of February 22 Through February 26, 1982

During the week of February 22 through February 26, 1982, the decisions and orders summarized below were issued with respect to applications filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also identifies a submission that was dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 111, New Post Office Building, 12th & 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. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: April 13, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Special Refund Procedures

Office of Enforcement/Anderson Butane Service, Inc., 2-25-82, BEF-0066

The Office of Enforcement filed a Petition for Implementation of Special Refund Procedures in connection with a consent order entered into with Anderson Butane Service, Inc. The DOE issued a final Decision and Order setting forth procedures to be used in adjudicating claims to the settlement funds involved in that case. The decision establishes a two-stage procedure. In the first stage, those firms that purchased natural gas liquids from Anderson and who believe they are entitled to a portion of the consent order funds may file Applications for Refund. In the second stage, it was tentatively determined that refunds could be channelled through first purchasers. The determination sets forth in detail the information that should be included in a firm's Application for Refund. Since the amount of money that would be left over after all Applications for Refund have been processed is unable to be determined at this time, no final determination was reached on the proposed second stage.

Office of Enforcement/Olin Corp. and Anadarko Production Co., 2-24-82, BEF-0079, BEF-0085

The Office of Enforcement filed Petitions for the Implementation of Special Refund Procedures in connection with consent orders entered into with Olin Corporation and Anadarko Production Company. The DOE issued a final Decision and Order setting forth procedures to be used in adjudicating claims to the settlement funds involved in those cases. The decision establishes a two-stage procedure. In the first stage, those firms that purchased natural gas liquids from the firms involved and who believe they are entitled to a portion of the consent order funds may file Applications for Refund. In the second stage, it was tentatively determined that refunds could be channelled through first purchasers. The determination sets forth in detail the information that should be included in a firm's Application for Refund. Since the amount of money that would be left over after all Applications for Refund have been processed is unable to be determined at this time, no final determination was reached on the proposed second stage.

Supplemental Order

Vickers Energy Corporation/Uban Oil Company et al., 2-25-82, HEX-0006 (HFX-0006)

On July 17, 1981, the Office of Hearings and Appeals issued a Decision and Order implementing special refund proceedings with respect to a $2,850,000 fund obtained by the DOE through a consent order with Vickers Energy Corporation. *See Office of Enforcement; In the Matter of Vickers Energy Corp.*, 8 DOE ¶ 82,597 (1981). The July 17 Decision stated that the DOE would accept applications for refund filed by purchasers of Vickers motor gasoline from other than company-operated retail outlets. On February 25, 1982, the Office of Hearings and Appeals issued a Supplemental Order concerning 240 of the applications for refund filed in response to the July 17 Decision. In considering those applications, the DOE determined that 234 of those applications had met the standards set forth in the July 17 Decision and in DOE regulations applicable to special refund proceedings, 10 C.F.R. Part 205, Subpart V. Accordingly, those 234 applications were granted. However, six of the applications, which requested refunds for amounts less than $15.00, were denied because the administrative costs of processing such small applications were found to outweigh the modest restitutionary effect of such small refunds.

Protective Order

The following firms filed an Application for Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firms. The DOE granted the following application and issued the requested Protective Order as an Order of the Department of Energy:

Name and Case No.

Gulf Oil Corp., Office of Solicitor, HRJ-0004

Dismissal

The following submission was dismissed without prejudice:

Name and Case No.

Champlin Petroleum Co., BEN-1677

[FR Doc. 82-10680 Filed 4-19-82; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statutes requires that the ultimate cost of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold are to be effective May 1, 1982. These prices are based on the prices of alternative fuels.

FOR FURTHER INFORMATION CONTACT: Leroy Brown, Jr., Energy Information Administration, Federal Building, Room 4121, Washington, D.C. 20461, Telephone: (202) 633-9710.

Section I

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million BTU's
Alabama	3.56
Arizona [1]	3.53
Arkansas [1]	3.10
California	3.46
Colorado [1]	3.86
Connecticut [1]	3.78
Delaware [1]	3.50

State	Dollars per million BTU's
Florida	3.51
Georgia	3.57
Idaho [1]	3.86
Illinois [1]	3.54
Indiana [1]	3.54
Iowa [1]	3.36
Kansas [1]	3.36
Kentucky [1]	3.54
Louisiana	3.05
Maine [1]	3.78
Maryland [1]	3.50
Massachusetts	3.67
Michigan	3.47
Minnesota	3.29
Mississippi [1]	3.61
Missouri [1]	3.36
Montana [1]	3.86
Nebraska [1]	3.36
Nevada [1]	3.53
New Hampshire [1]	3.78
New Jersey	3.40
New Mexico	2.96
New York [1]	3.50
North Carolina [1]	3.61
North Dakota [1]	3.36
Ohio [1]	3.54
Oklahoma [1]	3.10
Oregon [1]	3.53
Pennsylvania	3.46
Rhode Island [1]	3.78
South Carolina [1]	3.61
South Dakota [1]	3.36
Tennessee [1]	3.61
Texas [1]	3.10
Utah [1]	3.86
Vermont [1]	3.78
Virginia [1]	3.71
Washington [1]	3.53
West Virginia	3.39
Wisconsin [1]	3.54
Wyoming [1]	3.86

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM79-21.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during February 1982 was $41.41 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective May 1, 1982, is $9.28 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81-27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81-28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. *Data Collected.* The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: For each selling price, the number of gallons sold to large industrial users in the months of December 1981, January 1982, and February 1982.[2] All reports of volume sold and price were identified by the State into which the oils was sold.

B. *Method Used To Determine Alternative Price Ceilings.*—(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective May 1, 1982, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, December 1981, January 1982, February 1982. Reported prices for sales in December 1981 were adjusted by the percent change in the nationwide volume-weighted average price from December 1981 to February 1982. Prices for January 1982 were similarly adjusted by the percent change in the nationwide volume-weighted average price from January 1982 to February 1982. The volume-weighted 3-month average of the adjusted December 1981 and January 1982, and the reported February 1982 prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Price.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per milion BTU's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 sulfur residual fuel oil for the ten trading days ending April 14, 1982, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of February 1982. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C, one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to

[2] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A

Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Region B

Delaware
Maryland
New Jersey
New York
Pennsylvania

Region C

Alabama
Florida
Georgia
Mississippi
North Carolina
South Carolina
Tennessee
Virginia

Region D

Illinois
Indiana
Kentucky
Michigan
Ohio
West Virginia
Wisconsin

Region E

Iowa
Kansas
Missouri
Minnesota
Nebraska
North Dakota
South Dakota

Region F

Arkansas
Louisiana
New Mexico
Oklahoma
Texas

Region G

Colorado
Idaho
Montana
Utah
Wyoming

Region H

Arizona
California
Nevada
Oregon
Washington

Issued in Washington, D.C., April 19, 1982.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 82-10948 Filed 4-19-82; 10:30 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL-2107-4]

Science Advisory Board, Clean Air Scientific Advisory Committee; Amended; Meeting

In the Federal Register of April 8, 1982, p. 15159, notice was given, in accordance with Pub. L. 92-463, of a meeting of the Clean Air Scientific Advisory Committee (CASAC) to be held April 26-27, 1982. This amended notice is prepared to inform the public of an addition to the previously published agenda.

In December, 1981, the EPA criteria document entitled "*Air Quality Criteria for Particulate Matter and Sulfur Oxides*" was completed and made available for use in decisionmaking regarding the possible revision by EPA of the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM) and sulfur dioxide (SO_2). Since the completion of that criteria document, several new scientific articles published or accepted for publication in peer-reviewed journals have become available for evaluation and appear to provide useful and important information pertinent to the development of criteria for the primary (health-related) NAAQS for SO_2. The Environmental Criteria and Assessment Office of E.P.A. has prepared a draft addendum to the criteria document which summarizes and evaluates the newly available studies and attempts to place their findings in perspective in relation to the resuts of certain other key studies and relevant conclusions discussed in Chapter 13 of the December, 1981, criteria document. Copies of the draft addendum may be obtained by writing or calling Dr. Lester Grant, Director, Environmental Criteria and Assessment Office (MD-12), E.P.A., Research Triangle Park, N.C. 27711, (919) 541-4172. Additional copies will be made available at the CASAC meeting. To obtain further information on the meeting, contact Dr. Terry F. Yosie, Acting Director, Science Advisory Board, at (202) 755-0696, before close of business April 20, 1982.

Terry F. Yosie,

Acting Director, Science Advisory Board.

April 15, 1982.

[FR Doc. 82-10806 Filed 4-19-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW, Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 10, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularly allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-4040.

Filing party: Mr. H. H. Wittren, Associate Director of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T-4040 between the Port of Seattle (Port) and Homes Inc. (Homes) provides for the lease by the Port to Homes of 4.8125 acres in the Port's Terminal 105. The premises shall be used by Homes for sandblasting, shortage, movement of waterborne goods and related activities. The term of the lease is for three years and seven months, with a renewal option of one five-year period. Homes shall pay a rental to the Port of $5,240.13 per month, with adjustments as provided for in the lease.

Agreement No. 2846-50.

Filing party: Mr. Robert A. Hazel, Billig, Sher & Jones, P.C. 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 2846-50 modifies the basic agreement of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference to conform to the requirements of 46 CFR 528 (General Order 7, Revised).

Agreement No. 5660-35.

Filing party: Robert A. Hazel, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 5660-35 modifies the basic agreement of the Marseilles North Atlantic U.S.A. Freight Conference to comply with the self-policing requirements of General Order 7, Revised.

Agreement No. 9522-47.

Filing party: Robert A. Hazel, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 9522–47 modifies the basic agreement of the Med-Gulf Conference for the purpose of incorporating self-policing provisions that are intended to fully comply with the requirements of 46 CFR, Part 528.

Aggreement Nos. 9767–1 and 9925–2.

Filing party: Wade S. Hooker, Jr., Esq., Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Summary: Agreements Nos. 9767–1 and 9925–2 modify the Associated Container Transportation (Australia), Ltd. Agreement (ACTA) and the Pacific America Container Express Agreement (PACE) to provide that vessels operated thereunder "may transport intermodal shipments (whether or not under through documentation) moving through any port which such vessels are authorized to serve, and in addition shall have the full intermodal privileges of any conference under whose jurisdiction they operate."

ACTA is a constituent of PACE. Notice of both of these modifications has been published previously and both were considered by the Commission and laid over pending resolution of the request of the U.S. Atlantic and Gulf/Australia-New Zealand Conference for intermodal rate authority (6200–20). That matter having been resolved, and due to the time elapsed with possibly changed circumstances, notice is hereby republished. By Order of the Federal Maritime Commission

Dated: April 14, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82–10626 Filed 4–19–82; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 985–R]

Estrella Forwarding Co.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Estrella Forwarding Company, 445 Sutter Street, Rm. 333, San Francisco, CA 94108 was cancelled effective April 1, 1982.

By letter dated March 5, 1982, Gerald J. Zanzinger, Esquire, Executor of Estrella Forwarding Company's estate was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 985–R would be automatically revoked unless a valid surety bond was filed with the Commission.

Estrella Forwarding Company has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 985–R be and is hereby revoked effective April 1, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 985–R issued to Estrella Forwarding Company be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Estrella Forwarding Company.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82–10627 Filed 4–19–82; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 1321]

Ikeda International Corp.; Order of Revocation

Section 44(c), Shipping Act, 1916 provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Ikeda International Corporation, 800 Fifth Avenue, #33 E, New York, NY 10021 was cancelled effective April 1, 1981.

By letter dated March 3, 1982, Ikeda International Corporation was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1321 would be automatically revoked unless a valid surety bond was filed with the Commission.

Ikeda International Corporation has failed to furnish a valid bond.

By viture of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1321 be and is hereby revoked effective April 1, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 1321 issued to Ikeda International Corporation be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Ikeda International Corporation.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82–10628 Filed 4–19–82; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 265]

Kormin Shipping Co., Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916 provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Kormin Shipping Co., 7 Dey Street, New York, NY 10007, was cancelled effective April 2, 1981.

By letter dated March 5, 1982, Kormin Shipping Co., Inc., was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 265 would be automatically revoked unless a valid surety bond was filed with the Commission.

Kormin Shipping Co., Inc. has failed to furnish a valid bond.

By viture of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 265 be and is hereby revoked effective April 2, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 265 issued to Kormin Shipping Co., Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal**

Register and served upon Kormin Shipping Co., Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-10629 Filed 4-19-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President), 411 Locust Street, St. Louis, Missouri 63166:

1. *BMC Bankcorp, Inc.*, Benton, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Marshall County, Benton, Kentucky. Comments on this application must be received not later than May 14, 1982.

2. *Crawford Bancorp., Inc.*, Robinson, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Crawford County State Bank, Robinson, Illinois. Comments on this application must be received not later than May 14, 1982.

Board of Governors of the Federal Reserve System, April 14, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-10624 Filed 4-19-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of May 1982.

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism

May 3; 9:30 a.m.—open—Hubert H. Humphrey Building, Conference Room 403-A, 200 Independence avenue, SW., Washington, D.C. 20201

Contact: Mr. Leland H. Towle, Room 16C03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2593

Purpose: The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Agenda: The meeting will be open to the public. It will consist of regular agenda items and a presentation by the Department of Transportation on its DWI program activities and the proposed Presidential Blue Ribbon Commission on Drunk Driving.

Substantive program information may be obtained from the contact person listed above. Mr. Towle's office will also furnish, upon request, summaries of the meeting and a roster of Committee members. Contact Mrs. Nancy Judd, International and Intergovernmental Affairs, Office of the Director, NIAAA, Room 16-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-3885.

Dated: April 13, 1982.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 82-10635 Filed 4-19-82; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

Arthritis Advisory Committee; Notice of Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) is announcing the renewal of the Arthritis Advisory Committee by the Secretary, Department of Health and Human Services.

DATE: Authority for this committee will expire on April 5, 1984, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: April 12, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-10501 Filed 4-19-82; 8:45 am]

BILLING CODE 4160-01-M

Fertility and Maternal Health Drugs Advisory Committee; Notice of Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) is announcing the renewal of the Fertility and Maternal Health Drugs Advisory Committee by the Secretary, Department of Health and Human Services.

DATE: Authority for this committee will expire on March 23, 1984, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: April 12, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-10500 Filed 4-19-82; 8:45 am]

BILLING CODE 4160-01-M

Radiopharmaceutical Drugs Advisory Committee; Notice of Reestablishment

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub.

L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) is announcing the reestablishment of the Radiopharmaceutical Drugs Advisory Committee by the Secretary, Department of Health and Human Services. Authority for the committee had inadvertently expired on February 28, 1982.

DATE: Authority for this committee will expire on March 23, 1984, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2765.

Dated: April 12, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–10502 Filed 4–19–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 82P–0113]

Precision-Cosmet Co., Inc.; Premarket Approval of Tenant ™ and Kelman ™ Type II Anterior Chamber Intraocular Lenses

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Tennant ™ and Kelman ™ Type II Anterior Chamber Intraocular Lenses sponsored by Precision-Cosmet Co., Inc., Minnetonka, MN. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by May 20, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–6, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Springs, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On April 15, 1980, Precisioin-Cosmet Co., Inc., submitted to FDA an application for premarket approval of Tennant ™ and Kelman ™ Type II anterior chamber intraocular lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application for the use of this device. On March 26, 1982, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approval final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles H. Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 20, 1982, file with the Dockets Management Branch four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 13, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–10503 Filed 4–19–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 81N–0302; DESI Nos. 5914, 6303, 6340, 6514, 7937, and 8658]

Certain Oral Prescription Drugs Offered for Relief of Symptoms of Cough, Cold, or Allergy Which are no Longer Marketed; Withdrawal of Approval

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug applications for certain oral prescription drugs offered for relief of symptoms of cough, cold, or allergy. Approval is withdrawn because the drugs lack substantial evidence of effectiveness for their label indications. These products are no longer marketed.

EFFECTIVE DATE: April 30, 1982.

ADDRESS: Requests for opinion of the applicability of this notice to a specific product should be identified with Docket No. 81N–0302 and directed to the Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jean Peeler, Bureau of Drugs (HFD–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of January 29, 1982 (47 FR 4346), the Director of the Bureau of Drugs revoked the temporary exemption for the drug products described below which permitted these products to remain on the market beyond the time limit scheduled for the implementation of the Drug Efficacy Study. The January 29, 1982 notice also reclassified the products to lacking substantial evidence of effectiveness and offered an opportunity for a hearing on a proposal to withdraw approval of the new drug applications of the products. These products lack evidence of effectiveness either as combination products (because each ingredient has not been shown to

contribute to the claimed effect) or as controlled-release products (because the claim effects have not been substantiated).

Because neither the holders of the following new drug applications nor any other interested person requested a hearing, approval of these applications is now being withdrawn. Failure to file an appearance and request a hearing constitutes a waiver of the opportunity for a hearing.

1. NDA 5–914: as it pertains to Pyribenzamine Expectorant with Codeine and Ephedrine, containing tripelennamine citrate, codeine phosphate, ephedrine sulfate, and ammonium chloride; Ciba Pharmaceutical Co., 556 Morris Ave., Summit, NJ 07901. (DESI 5914).

2. NDA 6–340: as it pertains to Histadyl and Ephedrine Hydrochloride Pulvules No. 1 and No. 2, containing methapyrilene hydrochloride and ephedrine hydrochloride, Eli Lilly and Co., 740 S. Alabama St., Box 618, Indianapolis, IN 46206. (DESI 6340).

3. NDA 8–670: Phenergan Expectorant Troches with Codeine, containing codeine phosphate, promethazine hydrochloride, ipecac powdered extract, and potassium guaiacolsulfonate; Wyeth Laboratories, Inc., Division of American Home Products Corp., P.O. Box 8299, Philadelphia, Pa 19101. (DESI 6514).

4. NDA 8–893: Phenergan Expectorant Troches Plain, containing promethazine hydrochloride, ipecac powered extract, and potassium guaiacolsulfonate; Wyeth Laboratories, Inc. (DESI 6514).

5. NDA 11–536 Kryl Tablets, containing isothipendyl hydrochloride, aspirin, phenacetin, phenylephrine hydrochloride, and ascorbic acid; Ayerst Laboratories, Division of American Home Products Corp., 685 Third Ave., New York, NY 10017. (DESI 6340).

6. NDA 12–909: Ulominic Syrup, containing chlophedianol hydrochloride, diphenylpyraline hydrochloride, phenylephrine hydrochloride, and guaifenesin (name previously used: glyceryl guaiacolate); Riker Laboratories, Inc., Subsidiary of 3M Company, 19901 Nordhoff St., Northridge, CA 91324. (DESI 6514).

7. NDA 12–910: Ulogesic Tablets, containing acetaminophen, chlophedianol hydrochloride, diphenylpyraline hydrochloride, phenylephrine hydrochloride, and guaifenesin (name previously used: glyceryl guaiacolate); Riker Laboratories, Inc. (DESI 6514).

8. NDA 11–905: Disomer Chronotabs, sustained release tablets containing dexbrompheniramine maleate; Schering Corp. (DESI 6303).

The effectiveness conclusions stated in the January 29, 1982 notice also applied to the following drug products:

1. NDA 8–658: Coricidin with Codeine Phosphate Tablets, containing chlorpheniramine maleate, codeine phosphate, aspirin, phenacetin, and caffeine; Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033. (DESI 8658).

2. NDA 10–395: Histionex 50 Capsules, containing phenyltoloxamine as a cation exchange resin complex of sulfonated polystyrene; Pennwalt Corp., Pharmaceutical Division, Jefferson Rd., Rochester, NY 14623. (DESI 7937).

Although approval of NDA 8–658 and NDA 10–395 was previously withdrawn (NDA 10–395 on June 7, 1977 (42 FR 29104), for failure to file reports required by section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)); NDA 8–658 on February 22, 1980 (45 FR 11910), based on the written request of the applicant who no longer markets the drugs), this notice constitutes FDA's final conclusions on the effectiveness of these two products.

Any drug product that is identical, related, or similar (as limited above) to the drug products named and that is not the subject of an approved new drug application is covered by the new drug applications reviewed and is subject to this notice (21 CFR 310.6). The notice is not applicable to single entity products containing one of the ingredients described above in conventional release form. Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance (address given above).

Based on new information on the drug products and the evidence available when the applications were approved, the Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82), finds that there is a lack of substantial evidence that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of those parts of new drug applications 5–914 and 6–340 pertaining to the drug products named above, and approval of new drug applications 8–670, 8–893, 11–536, 12–909, 12–910, and 11–905, and all amendments and supplements thereto are withdrawn effective April 30, 1982.

Shipment in interstate commerce of the above products, or any identical, related, or similar product (as limited above) that is not the subject of an approved new drug application will then be unlawful.

Dated: March 30, 1982.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 82–10623 Filed 4–19–82; 8:45 am]

BILLING CODE 4160–01–M

National Institutes of Health

Board of Scientific Counselors, National Institute of Environmental Health Sciences; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences, June 2–3, 1982, in Building 101 conference room South Campus, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina.

This meeting will be open to the public from 9 a.m. to 12 noon on June 2, for the purpose of presenting an overview of the organization and conduct of research in the Laboratory of Pulmonary Function and Toxicology. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(c)(6) Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 2 from approximately 1 p.m. to adjournment on June 3, 1982, for the evaluation of the programs of the Laboratory of Pulmonary Function and Toxicology, including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. Charles E. Carter, Scientific Director, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, telephone (919) 541–3205, FTS 629–3205, will furnish summaries of the meeting, rosters of committee members and substantive program information

Dated: April 9, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–10654 Filed 4–19–82; 8:45 am]

BILLING CODE 4140–01–M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, on June 2, 3, and 4, 1982. On June 2 and 3, the meeting will be held in Conference Room 216, Building 5, National Institutes of Health, Bethesda, Maryland. On June 4 the meeting will be held in Conference Room 7A–24, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on June 2 and 3 from 8:30 a.m. until adjournment. During this open session, the permanent staff of the Laboratory of Parasitic Diseases will present and discuss their immediate past and present research activities.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting of the Board will be closed to the public on June 4 from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personal qualifications and performance, and the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A–32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meeting and rosters of the Board members.

Dr. Kenneth W. Sell, Executive Secretary, Board of Scientific Counselors, NIAID, National Institutes of Health, Building 5, Room 137, telephone (301) 496–2144, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13–301, National Institutes of Health)

Dated: April 9, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–10649 Filed 4–19–82; 8:45 am]

BILLING CODE 4140–01–M

Communicative Disorders Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institutes of Health, June 25, 1982, in the Pinehurst Room of the Linden Hill Hotel and Racquet Club, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

The meeting will be open to the public from 8:30 a.m. until 9:30 a.m. on June 25th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 25th from 9:30 a.m. to adjournment on that day, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and roster of committee members.

Dr. Marilyn Semmes, Executive Secretary, NINCDS, NIH, Federal Building, Room 9C14, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.851, Communicative Disorders Program, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 9, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–10650 Filed 4–19–82; 8:45 am]

BILLING CODE 4140–01–M

Large Bowel and Pancreatic Cancer Review Committee (Pancreatic Cancer Review Subcommittee); Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Large Bowel and Pancreatic Cancer Review Committee, (Pancreatic Cancer Review Subcommittee), National Cancer Institute, June 8, 1982, Tidewater Place, Room 1521, 1440 Canal Place, New Orleans, Louisiana 70112. This meeting will be open to the public on June 8 from 8:30 a.m. to 10:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 8, from 10:00 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William E. Straile, Executive Secretary, Pancreatic Cancer Review Subcommittee, National Cancer Institute, Blair Building, Room 7A05, National Institutes of Health, Bethesda, Maryland 20205 (301/427–8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Numbers 13.393, 13.394, 13.395, project grants in cancer cause and prevention; detection and diagnosis; and cancer treatment research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular)

Dated: April 9, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–10656 Filed 4–19–82; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Council on Aging; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, on May 25–26, in Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public on Tuesday, May 25, from 9:00 a.m. until

2:00 p.m., for opening remarks, a status report by the Director, National Institute on Aging, and a report from the Council ad hoc Working Group on Program. It will again be open to the public on Wednesday, May 26, from 9:00 a.m. until adjournment, for a presentation by the Veterans Administration on research, education and other aspects of VA care to the aging veteran, a farewell address by the Director, National Institute on Aging, and a report from the Council ad hoc Working Group on Health Promotion. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 25, 1982, from approximately 2:00 p.m. until adjournment for the review, discussion and evaluation of grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June McCann, Council Secretary, National Institute on Aging, Building 31, Room 2C–05, National Institutes of Health, Bethesda, Maryland 20205 (Area Code 301, 496–5898), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

[FR Doc. 82–10648 Filed 4–19–82; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Dental Research Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, on June 7–8, 1982, in Conference Room 6, Building 31–C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to adjournment on June 8 for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on June 7 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Dorothy Costinett, Committee Management Assistant, National Institute of Dental Research, National Institutes of Health, Building 31–C, Room 2C21, Bethesda, MD 20205, (phone 301 496–2883) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Programs Nos. 13.840-Caries Research, 13.841-Periodontal Diseases Research, 13.842-Craniofacial Anomalies Research, 13.843-Restorative Materials Research, 13.844-Pain Control and Behavioral Studies, 13.845-Dental Research Institutes, 13.878-Soft Tissue Stomatology and Nutrition Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 9, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–10651 Filed 4–19–82; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Environmental Health Sciences Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, National Institute of Environmental Health Sciences, June 7–8, 1982, in Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 7, 1982, from 9 a.m. to approximately 12 noon for the report of the Director, NIEHS, and for discussion of the NIEHS budget, program policies and issues, recent legislation, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 7, from approximately 1:00 p.m. to adjournment on June 8, 1982, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Winona Herrell, Committee Management Officer, NIEHS, Building 31, Room 2B55, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–3511, will provide summaries of the meeting and rosters of council members.

Dr. Wilford L. Nusser, Associate Director for Extramural Program, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 541–7723, FTS 629–7723, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.892, Prediction, Detection and Assessment of Environmentally Caused Diseases and Disorders; 13.893, Mechanisms of Environmental Diseases and Disorders; 13.894, Environmental Health Research and Manpower Development Resources, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: April 9, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–10653 Filed 4–19–82; 8:45 am]

BILLING CODE 4140–01–M

National Advisory General Medical Sciences Council; Meeting

Pursuant to P.L. 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, on May 27 and 28, 1982, Building 1, Wilson Hall, Bethesda, Maryland.

This meeting will be open to the public on May 27, 1982, from 9:00 a.m. to 12 noon for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c) (4) and 552b(c) (6), Title 5, U.S. Code, and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on May 27 from approximately 1:00 p.m. to 5:00 p.m., and on May 28, 1982, from 9:00 a.m. until adjournment, for the review, discussion,

and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A12, Westwood Building, Bethesda, Maryland 20205, Telephone: 301, 496-7301 will provide a summary of the meeting and a roster of council members. Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, National Institutes of Health, Westwood Building, Room 926, Bethesda, Maryland 20205, Telephone: 301, 496-7891 will provide substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13-821, Physiology and Biomedical Engineering; 13-859, Pharmacology-Toxicology Research; 13-862, Genetics Research; 13-863, Cellular and Molecular Basis of Disease Research; and 13-880, Minority Access to Research Careers (MARAC))

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

Dated: April 9, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-10655 Filed 4-19-82; 8:45 a.m.]

Billing Code 4140-01 M

Subcommittee on Environmantal Health Sciences Centers; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Subcommittee on Environmental Health Sciences Centers of the National Advisory Environmental Health Sciences Council, National Institute of Environmental Health Sciences on June 6, 1982, 8:00 p.m. to 9:00 p.m., in Building 31, Room 2B55, National Institutes of Health, Bethesda, Maryland.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public for the review, discussion and evaluation of center grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 13,892, Prediction, Detection and Assessment of Environmentally Caused Diseases and Disorders; 13,893, Mechanisms of Environmental Diseases and Disorders; 13,894, Environmental Health Research and Manpower Development Resources, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: April 9, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-10652 Filed 4-19-82; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-82-1118]

Section 202 Loans for Housing for the Elderly or Handicapped; Announcement of Fund Availability, Fiscal Year 1982

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

ACTION: Notice.

SUMMARY: HUD is announcing the availability of Fiscal Year 1982 loan authority under the Section 202 Housing for the Elderly or Handicapped Direct Loan Program. The loan authority will be used to provide direct Federal loans for a maximum term of 40 years under Section 202 of the Housing Act of 1959, as amended, to assist private, nonprofit corporations and consumer cooperatives in the development of new or substantially rehabilitated housing and related facilities to serve the elderly or handicapped.

FOR FURTHER INFORMATION CONTACT: The HUD Field Office for your jurisdiction.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Title 24, Code of Federal Regulations, Part 885, as amended, that the Department of Housing and Urban Development will be accepting Applications for Fund Reservations from eligible Borrowers (see § 885.5 for the definition of "Borrower" and other terms used herein) for the provision of direct loans for the construction or substantial rehabilitation of Housing and Related Facilities (as defined) for dwelling used by Elderly or Handicapped Families (as defined) under the provisions of Section 202 of the Housing Act of 1959, as amended. Subject to issuance of regulations that are presently being developed, applications may also be accepted for loans for the acquisition with or without moderate rehabilitation of housing and related facilities for use as group homes for the nonelderly handicapped.

The Assistant Secretary for Housing is assigning Section 202 loan fund authority for Fiscal Year 1982 to the HUD Field Offices identified below in conformance with the provisions of Section 213(d) of the Housing and Community Development Act of 1974, as amended, as provided at 24 CFR Part 891, Subpart D.

While the precise number of units to be funded depends upon actual approvable applications received, the following distribution plan shows the approximate numbers of units and loan authority available for new applications in each Field Office jurisdiction for Fiscal Year 1982.

FISCAL YEAR 1982 SECTION 202; DISTRIBUTION PLAN BY HUD FIELD OFFICE JURISDICTION

	Estimated No. of units	Estimated loan authority[1]
Boston Regional Office:		
Boston	435	$23,126,700
Manchester (Bangor, Burlington)	178	8,271,000
Providence	82	3,675,000
Hartford	194	10,139,200
Total	889	45,211,900
New York Regional Office:		
Buffalo (Albany)	346	16,958,100
Caribbean	382	17,992,500
Newark (Camden)	417	24,623,000
New York	944	57,566,200
Total	2089	117,139,800
Philadelphia Regional Office:		
Baltimore	132	6,749,300
Philadelphia (Wilmington)	505	27,831,900
Pittsburgh	332	15,546,900
Charleston	122	5,604,600
Richmond	234	8,726,300
Washington, D.C.	100	4,804,700
Total	1425	69,263,700
Atlanta Regional Office:		
Atlanta	277	11,970,100
Birmingham	257	10,305,700
Columbia	177	7,053,300
Greensboro	392	12,511,800
Jackson	165	6,832,500
Jacksonville (Coral Gables, Tampa)	813	39,461,600
Knoxville	124	4,884,500
Nashville (Memphis)	172	6,562,500
Louisville	207	9,748,500
Total	2584	109,330,500
Chicago Regional Office:		
Chicago (Springfield)	623	36,188,800
Columbus	120	5,018,700

FISCAL YEAR 1982 SECTION 202; DISTRIBUTION PLAN BY HUD FIELD OFFICE JURISDICTION—Continued

	Estimated No. of units	Estimated loan authority[1]
Cleveland	247	$10,424,400
Cincinnati	95	3,914,700
Detroit	287	15,765,900
Grand Rapids	199	7,975,500
Indianapolis	362	14,509,000
Milwaukee	309	15,161,200
Minn-St. Paul	406	18,048,500
Total	2648	127,006,700
Dallas Regional Office:		
Dallas (Albuquerque, Fort Worth, Lubbock)	450	18,124,900
Little Rock	190	6,606,600
New Orleans (Shreveport)	195	9,021,700
Oklahoma City (Tulsa)	176	7,659,700
Houston	187	7,253,800
San Antonio	190	7,474,500
Total	1388	56,141,200
Kansas City Regional Office:		
Kansas City (Topeka)	344	14,305,400
Omaha	119	4,606,000
Des Moines	248	9,184,600
St. Louis	205	9,786,000
Total	916	37,882,200
Denver Regional Office:		
Denver (Helena, Fargo, Sioux Falls, Salt Lake City, Casper)	356	14,500,700
Total	356	14,500,700
San Francisco Regional Office:		
Honolulu	21	1,139,700
Los Angeles (San Diego, Santa Ana)	780	45,983,300
Phoenix	156	6,754,400
San Francisco (Fresno, Reno, Las Vegas)	450	24,247,700
Sacramento	124	5,095,100
Total	1531	83,220,200
Seattle Regional Office:		
Portland	197	8,445,900
Seattle (Spokane)	237	11,204,200
Total	434	19,650,100

[1] Pursuant to Section 213(d) of the Housing and Community Development Act of 1974, as amended, the estimated loan authority is subject to further breakdown into "metropolitan" and "nonmetropolitan" areas.

The distribution plan set forth aboe is provided as a guide for prospective Borrowers. It indicates the estimated loan authority that can be expected to be made available for applications for units in each HUD Field Office jurisdiction. However, these unit and loan estimates are subject to change upon Regional and/or Field Office determinations. Such changes may be necessary in order to assure that there is enough loan authority in each Field Office to support housing projects of feasible size. Each HUD Field Office receiving Fiscal Year 1982 loan authority will prepare and publish a single Invitation for Applications for Section 202 Fund Reservation (Invitation) for its jurisdiction which indicates the amount of such authority and the maximum number of units this amount is expected to assist.

The Invitation will designate those allocation areas where Section 202 projects are consistent with the goals in approved Housing Assistance Plans (HAP) and comparable estimates for non-HAP areas.

Limitations on Fund Availability to Certain Areas

Prospective Borrowers interested in applying should be aware of the requirements governing the allocation of loan authority as set forth in § 885.200 of the Regulations. In view of the limited funds for projects in Fiscal Year 1982, Field Office Invitations may in some instances determine that the most appropriate allocation area would be the entire Field Office jurisdiction. Because of previous years' program selections, localities in some allocation areas may have received a greater portion of housing for the elderly than would otherwise have occurred, and as a result, it may not be possible to approve Section 202 applications in some of those localities. The Field Office Invitation may designate any localities which may be entitled to priority consideration based on relative underfunding. However, and in accordance with § 885.205(c)(2) and (3) of the Regulations, the following will be considered in the HUD review and selection process.

(a) Applications for the elderly or for the nonelderly handicapped from designated and/or nondesignated areas will be accepted and processed.

(b) Projects for the nonelderly handicapped from nondesignated areas will be considered for funding along with all other applications from designated areas.

(c) Projects for the elderly from nondesignated areas will be considered for funding only if insufficient approvable applications for elderly projects from designated areas and nonelderly handicapped projects from nondesignated areas are received.

As mentioned above, interested Section 202 Borrowers will be notified of the designated allocation areas by an Invitation prepared and advertised by the HUD Field Offices.

Schedule for Section 202 Invitations, Workshops and Applications Deadline

All Applications for Section 202 Fund Reservations submitted by eligible Borrowers must be filed with the appropriate HUD Field Office and must contain all exhibits and additional information as required by Section 885.210 of the Regulations. HUD Field Offices will publish an Invitation in newspapers of general circulation and in minority newspapers where available serving the Field Office jurisdiction once a week for two consecutive weeks. Field Offices will accept applications anytime after publication of the Invitation, but no application will be accepted after the regular closing time of the appropriate Field Office on Wednesday, June 30, 1982, unless said final date for submission of applications is extended by the Assistant Secretary for Housing by publication of an extention notice in the **Federal Register.** Applications which are mailed may be accepted provided they bear a postmark date and time which is no later than the regular closing time of the Field Office on June 30, 1982.

Borrowers interested in applying for a Fund Reservation under Section 202 are encouraged to provide the appropriate Field Office with the name, address and telephone number of the Sponsor and/or Borrower organization(s), to advise the Field Office whether they wish to attend the workshop described in the following paragraph, and to secure the program handbook and Application Package. Borrowers having interest in acquisition with of without moderate rehabilitation of housing and related facilities for use as group homes for the nonelderly handicapped should advise the Field Office of their interest in order that they be advised when the regulation is published. Minority organizations also are encouraged to participate in this program as Sponsors and/or Borrowers.

Workshops will be conducted by Field Offices during the months of April and May 1982 to explain the Regulations and instructions governing the Section 202 and Section 106(b) Seed Money loan programs, to distribute Application Packages, and to discuss the application procedures including the Department's modest design and cost containment requirements and required exhibits. More detailed information covering the time and place of the particular workshops will be indicated in the Field Office Invitation. Arrangements will be made by the Field Office, if necessary, to assure that any interested handicapped persons are able to attend and participate in the workship. Such persons should contact the Field Office, so that appropriate arrangements can be made.

Additional Information

Pursuant to § 885.205(a)(4) of the Regulations, this is to serve further notice that:

(1) In keeping with the Department's efforts to contain costs, the present Section 202 Application for a Section 202 Fund Reservation is being expanded to include additional submission, design and cost containment requirements to

be used in evaluating Fiscal Year 1982 Section 202 Applications. These requirements are set forth in a HUD Notice and will be included in the Section 202 Application Package available at the local HUD Field Office. The Section 202 workshops to be conducted by HUD Field Offices will include discussions of these additional application requirements. Since greater weight will be given to modest design and cost containment objectives in the ranking process than in previous years, applicants are encouraged to attend the HUD workships.

(2) Religious bodies may serve as Sponsors of Section 202 projects, but the Borrower corporation must be a separate legal entity in order to comply with Constitutional requirements for separation of Church and State. No religious purpose may be included in the Articles of Incorporation or By-laws, etc., of the Borrower corporation.

(3) The Sponsor must have a current exemption ruling from the Internal Revenue Service, and where the Sponsor and Borrower are not the same, the Borrower corporation must have applied for an exemption ruling from the Internal Revenue Service and show evidence of same by the time it submits its application to HUD (i.e., by the deadline date of June 30, 1982).

(4) Applications may be submitted only by eligible Borrowers. The Borrower must be an eligible corporation as defined in Section 885.5 of the Section 202 Regulations and must have been legally incorporated at the time its Application is filed with the appropriate HUD Field Office.

(5) Projects designed exclusively for the chronically mentally ill are eligible under the same conditions and criteria as other projects designed solely for the nonelderly handicapped, except that only group homes for up to 15 persons and independent living complexes to serve up to 20 persons may be proposed for the chronically mentally ill. Sponsors who intend to serve the chronically mentally ill will be required to show evidence of their ability to provide the necessary supportive services for the residents of the group home or independent living complex in order to assure that the total environment supports the goal of integrating such persons into the local community.

(6) Outstanding program instructions pertaining to unit limits for housing for the nonelderly handicapped (other than the chronically mentally ill) are modified to permit group homes to serve up to 15 persons on one site, and independent living complexes to include up to 40 units on one site.

(7) Pursuant to Section 885.215 of the Regulations, no single Borrower may submit an Application or Applications in any HUD Region in excess of that necessary to finance the construction or substantial rehabilitation of three hundred (300) units of Housing and Related Facilites. Further, outstanding Handbook instructions set forth in Paragraph 1–5b of HUD Handbook 4571.1 REV state that "reservations for projects intended primarily for the elderly generally will not be approved for more than 200 units." This policy is intended to expand the number of areas in the community where the elderly can live in housing specially designed to meet their needs. Therefore, applications which would result, upon completion of the particular proposal, in more than about 200 units of specially designed housing for the elderly from any source in that immediate area should not be selected, unless the Field Office Area Manager or Supervisor fully documents the reasons for such approval.

(8) To be considered responsive to the Invitation, among other requirements, an application for a project to be located in a designated allocation area (including those instances where the entire respective metropolitan or nonmetropolitan portion of the Field Office Jurisdiction is the designated allocation area) must not request a larger number of units than advertised for that area.

In those instances where the designated allocation area does not encompass the entire respective portion of a field office jurisdiction, an application for a project to be located in a nondesignated area must not request a larger number of units than the number of units advertised in the Invitation for the largest metropolitan or nonmetropolitan area, as approporiate.

(9) HUD will make contract authority under Section 8 of the United States Housing Act of 1937, as amended, available for successful Borrowers.

(10) Section 202 Fund Reservations will be distributed among successful Borrowers in accordance with the requirements of Section 885.220 (Review of Application for Fund Reservation) and on the basis of all of the information furnished by the Borrowers as set forth in the Application Package and pursuant to Section 885.225 (Approval of Applications) of the Regulations.

(11) Applicants who submitted applications that were not funded due to insufficient Fiscal Year 1981 Section 202 loan authority will have to reapply under this year's Field Office Invitations.

(12) Section 885.410(j) of the Regulations contains a minimum capital investment requirement for Section 202 Borrowers. This requirement applies to all Section 202 Borrowers receiving HUD Field Offfice approval of an application for a Section 202 Fund Reservation (under the provisions of Section 885.400 et seq.). Said minimum capital investment which is presently established at one-half of 1 percent (0.5%) of the total HUD-approved mortgage amount, not to exceed $10,000 shall apply to all Section 202 projects receiving Fund Reservations in Fiscal Year 1982 unless changed by Regulation amendment publilshed in the **Federal Register**. Section 106(b) funds, pursuant to Part 271, may not be used to satisfy the minumum capital investment requirement.

Borrowers are invited to submit applications for Section 202 Fund Reservations in accordance with this Announcement and Part 885. Additional information regarding the Section 202 program may be found in Part 885.

The Catalog of Federal Domestic Assistance Program title and number is Housing for the Elderly or Handicapped, 14.157.

(Sec. 202, Housing Act of 1959 (12 U.S.C. 1701 as amended; Sec. 7(d), Department of Housing and Urban Developoment Act (42 U.S.C. 3535(d)).

Dated: April 14, 1982.

Philip Abrams,

General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 82–10700 Filed 4–19–82; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management Nevada; Order Providing for Opening of Lands

April 9, 1982.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended, the following lands have been reconveyed to the United States:

Mount Diablo Meridian, Nevada

T. 14 N., R. 63 E.
Sec. 25, SE¼SE¼;
Sec. 35, NW¼NW¼, SE¼NW¼, NE¼NE¼, S½NE¼;
Sec. 36, W½NW¼, W½NE¼, NE¼NE¼.
T. 14 N., R. 64 E.
Sec. 29, S½SW¼;
Sec. 30, Lot 4, SE¼SW¼, S½SE¼.
T. 15 N., R. 64 E.—Humboldt National Forest
Sec. 12, SW¼NE¼, S½SW¼, NE¼SW¼;
Sec. 13, N½NW¼.
T. 15 N., R. 65 E.—Humboldt National Forest
Sec. 4, NW¼SW¼;

Sec. 5, NW¼SW¼;
Sec. 6, Lots 3, 4, NE¼SW¼, N½SE¼;
Sec. 7, SE¼NE¼, N½SE¼.

The area described comprises approximately 1,347.78 acres in White Pine County, Nevada, 632.00 of which is within the boundaries of the Humboldt National Forest.

2. At 8 a.m. on the 30th day, commencing with the date of this publication, the land within the Forest shall be open to such forms of disposition as may by law be made of national forest lands.

3. Inquiries concerning the forest land should be addressed to the Forest Supervisor, Humboldt National Forest, P.O. Box 1072, Elko, Nevada 89801.

4. At 8 a.m. on the 30th day, commencing with the date of this publication, the remaining land, which is public land, shall be open to operation of the public land laws and the mineral leasing laws, subject to valid existing rights, subject to existing Recreation and Public Purposes classification N–7531, the provisions of existing withdrawals, and the requirements of applicable law.

The portion of the public land described below which is classified under the Recreation and Public Purposes Act is therefore available to Recreation and Public Purposes applications only and is segregated from mining location under the United States mining laws. This land is not closed to mineral leasing application but will be considered only for leasing with no surface occupancy.

Mount Diablo Meridian, Nevada

T. 14 N., R. 63 E.
Sec. 25, W½SE¼SE¼;
Sec. 35, NW¼NW¼, SE¼NW¼, S½NE¼, NE¼NE¼;
Sec. 36, W½NW¼, W½NE¼, W½NE¼NE¼.

All valid applications received at or prior to 8 a.m. on the 30th day, commencing with the date of this publication shall be considered as simultaneously filed. Those received thereafter shall be considered in the order of filing.

At 8 a.m. on the 30th day, commencing with the date of this publication, the public land, except that portion segregated by the Recreation and Public Purposes classification, will be open to location and entry under the United States mining laws.

5. Inquiries concerning the public land should be addressed to Chief, Division of Operations, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Wm. J. Malencik,

Chief, Division of Operations.

[FR Doc. 82–10630 Filed 4–19–82; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Land Management

Arizona District Managers; Redelegation of Authority

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

EFFECTIVE DATE: May 3, 1982.

FOR FURTHER INFORMATION CONTACT: Harold Ramsbacher (930) Arizona State Office, 2400 Valley Bank Center, Phoenix Arizona 85073, (602) 261–3141.

Section 1.1(a)(2) of Bureau Order No. 701, dated July 23, 1964 as amended by notice published 45 FR 81128, on Tuesday, December 9, 1980 (FR Doc. No. 80–38128, filed December 8, 1980) effective November 30, 1980, authorizes the Bureau of Land Management State Directors to redelegate to District Managers the authority to take actions on behalf of the State Directors in matters listed in Section 1.9 of Part I.

That authority is hereby redelegated to Arizona District Managers with respect to public lands under the jurisdiction of each District Office for matters listed in Bureau Order 701, Part I, Section 1.9 relating to exchanges; relating to materials other than Forest Products; relating to sites for recreation or other public purposes; relating to the sale of public lands; relating to all rights-of-way, except interstate projects; relating to all temporary use permits; relating to State Grants, and relating to leases, easements and permits under section 302 of the Federal Land Policy and Management Act.

For matters that involve two or more Districts under the jurisdiction of the Arizona State Director, the State Director may, without further notice, or amending this notice, redelegate to any District Manager the authority to take all actions associated with such matters that involve more than one District Manager's area of jurisdiction.

Tom Allen,

Acting State Director.

April 13, 1982.

[FR Doc. 82–10671 Filed 4–19–82; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; CNG Producing Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that CNG Producing Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2391, Block A–571, High 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 INFOMRATION 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 13, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–10673 Filed 4–19–82; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Conoco, Inc.

AGENCY: Minerals Management Service.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This notice announces that Conoco Inc., Unit Operator of the West Delta/Grand Isle Federal Unit Agreement No. 14–08–001–2454,

submitted on April 8, 1982, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the West Delta/Grand Isle 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 productiion 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 13, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–10674 Filed 4–19–82; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Gulf Oil Exploration and Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1256, Block 172, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1976, 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 affectred 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 13, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–10675 Filed 4–19–82; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Marathon Oil Co.

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 proposed to conduct on lease OCS-G 2061, Block 321, East Cameron Areas, 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 make 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 13, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–10676 Filed 4–19–82; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Shell Offshore Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Shell Offshore Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4734, Block A–6, High 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 13, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-10677 Filed 4-19-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Superior Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that the Superior Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 0247, Block 102, 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 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 13, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-10678 Filed 4-19-82; 8:45 am]

BILLING CODE 4310-31-M

Valuation of Federal Coal Used for in Situ Gasification

AGENCY: Minerals Management Service, Interior.

ACTION: Request for additional public comment.

SUMMARY: The Minerals Management Service has been considering methods for valuing coal used for in situ gasification because such coal cannot be valued in the usual fashion which is the sale price f.o.b. the mine. The Minerals Management Service is concerned about valuing in situ gasified coal because such valuation is required for fair market value determinations and for Federal royalty payment calculations. These interests led us to request public comments on the matter in the Federal Register of August 10, 1981, (46 FR 40588).

Twelve extensive comments were received. After review of these 12 comments, we have determined that there are two preferred approaches to the valuation problem. In particular, the preferred approaches are either: (1) Valuing the Btu's of gas produced at the regional sale price per Btu of the coal used in situ; or (2) valuing the low or medium Btu gas produced at the actual or implied regional price for such gas. With our current information, we are unable to determine whether it is more desirable to value the in situ coal produced gas at the former coal equivalent, or the latter gas equivalent price and additional written public comments are therefore requested. Comment is especially requested on: (1) how feasible it is to estimate the regional f.o.b. mine price of the type of coal used in situ; (2) how feasible it is to estimate the well head regional low or medium Btu gas price. Our review has indicated concern that a comparable regional coal may not be being sold and that accounting problems may exist in estimating the value of low and medium Btu gas from sales of electricity, high Btu gas, or gasoline.

DATE: Comments should be received no later than May 15, 1982.

ADDRESS: Comments should be sent in writing to Chief, Onshore Minerals Management Division, Minerals Management Service, 12203 Sunrise Valley Drive, MS 650, National Center, Reston, VA 22091. Both sets of comments will be available for public review in Room 6A120 at the above address during regular business hours (7:45 am to 4:15 pm) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Erick V. Kaarlela, Chief, Branch of Economic Evaluation, Onshore Minerals Management Division, 12203 Sunrise Valley Drive, MS 654, National Center, Reston, VA 22091.

Dated: April 6, 1982.

Eddie R. Wyatt,

Acting Chief, Onshore Minerals Management Division.

[FR Doc. 82-10672 Filed 4-19-82; 8:45 am]

BILLING CODE 4310-MR-M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Atlantic Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of environmental documents prepared for OCS mineral exploration proposals on the Atlantic OCS.

SUMMARY: The Minerals Management Service (MMS) in accordance with Federal regulations (40 CFR Section 1501.4 and Section 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EA's) and findings of no significant impact (FONSI's), prepared by the MMS for the following oil and gas exploration activities proposed on the Atlantic OCS. This listing includes all proposals for which environmental documents were prepared by the Atlantic OCS Region in the 3-month period preceding this Notice.

Operator/activity	Location	FONSI date
Exxon/Exploration Plan.	OCS Blocks 101, 146 and 186 (147 miles E.S.E. of Nantucket Island, North Atlantic).	Feb. 26, 1982.
Getty/Exploration Plan.	OCS Block 231 (129 miles E.S.E. of Nantucket Island, North Atlantic).	Mar. 4, 1982.
Exxon/Exploration Plan.	OCS Blocks 365 and 409 (149 miles E.S.E. of Nantucket Island, North Atlantic).	Mar. 5, 1982.
Murphy/Exploration Plan.	OCS Blocks 134, 135 and 137 (121 miles E.S.E. of Nantucket Island, North Atlantic).	Do.
Do	OCS Blocks 123, 125, 167 and 168 (97 miles E.S.E. of Nantucket Island, North Atlantic).	Do.
Amerada Hess/ Exploration Plan.	OCS Blocks 796, 839 and 840 (90 miles S.S.E. of Atlantic City, Mid-Atlantic).	Do.
Exxon/Exploration Plan.	OCS Blocks 269, 317 and 359 (136 miles E.S.E. of Nantucket Island, North Atlantic).	Mar. 31, 1982.

Operator/activity	Location	FONSI date
Union/Exploration Plan.	OCS Block 271 (129 miles E.S.E. of Nantucket Island, North Atlantic).	Apr. 15, 1982.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EA's and FONSI's preprared for activities on the Atlantic OCS are encouraged to contact the appropriate offices in the Atlantic OCS Region.

FOR FURTHER INFORMATION CONTACT:

Deputy Minerals Manager, Offshore Field Operations, Atlantic OCS Region, Minerals Management Service, Tyson's Beltway Office Centre, Suite 601, 1951 Kidwell Drive, Vienna, Virginia 22180; (703) 285–2169; FTS–8–285–2169

District Supervisor, North Atlantic District, Atlantic OCS Region, Minerals Management Service, Mary Dunn Road, Barnstable Municipal Airport/East Ramp, Hyannis, Massachusetts 02601; (617) 771–8506

District Supervisor, Mid-Atlantic District, Atlantic OCS Region, Minerals Management Service, Mainland Professional Plaza, 515 Tilton Road, Northfield, New Jersey 08225; (609) 641–7966; FTS–8–483–4311

FOR COPIES CONTACT: Records Management Section, Minerals Management Service, Tyson's Beltway Office Centre, Suite 601, 1951 Kidwell Drive, Vienna, Virginia 22180; (703) 285–2191; FTS–8–285–2191.

There will be a charge for the reproduction of these documents.

SUPPLEMENTARY INFORMATION: The Conservation Division of the MMS prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Atlantic OCS. The EA's examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that findng and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Paul E. Martin,

Acting Minerals Manager, Atlantic OCS Region.

[FR Doc. 82–10857 Filed 4–19–82; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 14, 1982. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by May 5, 1982.

Bruce MacDonald,

Acting Keeper of the National Register.

ARKANSAS

Columbia County

Magnolia, *Turner, Kate, House,* 709 W. Main St.

Jackson County

Newport, *American Legion Hut,* Remmel Park

[FR Doc. 82–10551 Filed 4–19–82; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 9, 1982. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register, criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by May 5, 1982.

Carol D. Skull,

Acting Keeper of the National Register.

ALASKA

Anchorage Division

Wasilla, *Wasilla Community Hall (AHRS Site No. ANC–135)* 215 Main St.

Faribanks Division

Fairbanks, *Davis, Mary Lee, House,* 410 Cowles St.

CALIFORNIA

Alameda County

Alameda, *Croll Building,* 1400 Webster St.

Fresno County

Coalinga, *Coalinga Polk Street School,* S. 5th and E. Polk Sts.

Fresno, *Maubridge Apartments,* 2344 Tulare St.

Los Angeles County

Pasadena, *South Marengo Historic District,* Irregular pattern along S. Marengo Ave.

Santa Barbara County

Santa Barbara, *Saint Vincent Orphanage and School Building,* 925 De La Vina St.

Santa Clara County

San Jose, *San Jose Downtown Commercial District,* E. Santa Clara, S. 1st, 2nd, 3rd and E. San Fernando Sts.

COLORADO

Denver County

Denver, *Chapel No. 1,* Bldg. 27, Quince Way, Lowry Air Force Base

CONNECTICUT

Harford County

Hartford, *Children's Village of the Hartford Orphan Asylum,* 1680 Albany Ave.

New Haven County

Hamden vicinity, *Farmington Canal Lock No. 13,* Brooksvale Ave.

FLORIDA

Dade County

Miami, *City of Miami Trolley Car No. 231,* 3280 S. Miami Ave.

Monroe County

Sugarloaf Key, *Bat Tower/Sugarloaf Key*

KANSAS

Anderson County

Garnett, *Shelley-Tipton House,* 812 W. 4th St.

Bourbon County

Fort Scott vicinity, *Marmation Bridge,* 1 mi. NE of Fort Scott

Ellis County

Hays, *Madden Elevator,* 117 E. 9th St.

Harvey County

Newton, *Neal, Jairus, House,* 301 E. 4th St.

Newton, *Old Railroad Savings and Loan Building,* 500 Main St.

Linn County

Prescott, *Prescott School,* 3rd and Main Sts.

Shawnee County

Topeka, *Cedar Crest,* Cedar Crest Rd.

Topeka vicinity, *England Farm,* 4619 SE. 37th St.

Wabaunsee County

Eskridge, *Security State Bank,* Main and 2nd Sts.

Wyandotte County

Kansas City, *White Church Memorial Church and Delaware Indian Cemetery*, 2200 N. 85th St.

KENTUCKY

Jefferson County

Louisville, *Bullock-Clifton House*, 1824 Rosedale Ave.
Louisville, *Bush, Cornelia, House*, 316 Kenwood Dr.
Louisville, *Gordon, Cornelia, House*, 308 Hill Rd.
Louisville, *Holy Name Church, Rectory, Convent and School*, 2920 S. 3rd St., 2914 S. 3rd St., 2911 S. 4th St., and 2921 S. 4th St.
Louisville, *Montgomery Street School*, 2500-2506 Montgomery St.
Louisville, *Norton Company Building*, 400 W. Market St.
Louisville, *Repton*, 314 Ridgedale Rd.
Louisville, *St. Elizabeth of Hungary Roman Catholic Church*, 1024–1028 E. Burnett St.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Heidelberg Hotel*, 201 Lafayette St.

MARYLAND

Frederick County

Buckeystown vicinity, *Buckingham House and Industrial School Complex*, Off MD 80 and MD 85
Jefferson vicinity, *Lewis Mill Complex*, 3205 Poffenberger Rd.

MINNESOTA

Itasca County

Deer River vicinity, *Winnibigoshish Lake Dam, SR 9* (also in Cass County)

MISSISSIPPI

Chickasaw County

Houston, *Judge Bates House*, S. Monroe St.

Madison County

Tougaloo, *Boddie, John W., House*, Tougaloo College campus

Tallahatchie County

Charleston vicinity, *Lamb-Fish Bridge*, E of Charleston

Warren County

Vicksburg, *Lane, John, House*, 905 Crawford St.
Vicksburg, *Young-Bradfield House*, 913 Crawford St.

MONTANA

Cascade County

Vaughn vicinity, *Vaughn, Robert, Homestead (The Captain Couch Ranch)* Vaughn Cemetery Rd.

Fergus County

Lewistown, *St. Leo's Catholic Church*, 124 W. Broadway

NEW JERSEY

Morris County

Dover, *Blackwell Street Historic District*, Blackwell and Sussex Sts.

NEW YORK

Chemung County

Elmira Heights, *Elmira Heights Village Hall*, 268 E. 14th St.

Erie County

Clarence Center, *Eshelman, J., and Company Store*, 6000 Goodrich Rd.

Onondaga County

Syracuse, *Gillett, William J., House*, 515 W. Onondaga St.

Seneca County

Lodi, *Lodi Methodist Church*, S. Main and Grove Sts.

Suffolk County

Fort Salonga, *Fort Salonga (NYSDHP Unique Site No. A103–08–0036)*

OHIO

Richland County

Mansfield, *Sandiford, Robert, House (Park Avenue West Multiple Resource Area)* 544 Park Ave. W.

OKLAHOMA

Caddo County

Apache, *Amphlett Brothers Drug and Jewelry Store*, Evans and Coblake Aves.

Carter County

Ardmore, *Oklahoma, New Mexico, and Pacific Railroad Depot*, N. Washington and NE. 3rd
Ardmore, *Sayre-Mann House*, 323 SW. F

Hughes County

Stuart, *Stuart Hotel*, Off U.S. 270

OKLAHOMA

Lincoln County

Chandler, *Tilghman-Erwin House*, 209 W. 8th St.

Muskogee County

Muskogee, *Robb, Andrew W., House*, 1321 Boston

Pottawatomie County

Sacred Heart, *Sacred Heart Indian Mission*, Off OK 39

Rogers County

Oologah, *Oologah Bank*, 105 S. Maple St.

Wagoner County

Wagoner, *St. James Episcopal Church, 303 S. Church St.*

TENNESSEE

Shelby County

Arlington, *Arlington Historic District*, Brown, Campbell, Chester, Quintard, Greenlee, and Walker Sts.

UTAH

Entreprenurial Residents of Turn-of-the-Century Provo Thematic Resources.

Reference—see individual listings under Utah County.

Utah County

Lehi, *Merrihew, Harry B., Drug Store* (*State Bank of Lehi*) 1st W. and Main Sts.
Provo, *Knight-Allen House* (*Entreprenurial Residences of Turn-of-the Century Provo Thematic Resources*) 390 E. Center St.
Provo, *Knight, Jesse, House* (*Entrepenurial Residence of Turn-of-the-Century Provo Thematic Resources*) 185 E. Center St.
Provo, *Knight-Mangum House* (*Entrepenurial Residence of Turn-of-the-Century Provo Thematic Resources*) 318 E. Center St.
Provo, *Ray, William H., House* (*Entreprenurial Residence of Turn-of-the-Century Provo Thematic Resources*) 415 S. University
Provo, *Taylor, Thomas N., House* (*Entreprenurial Residence of Turn-of-the-Century Provo Thematic Resources*) 342 N. 500 West St.
Provo, *Twelves, John R., House* (*Entreprenurial Residence of Turn-of-the-Century Provo Thematic Resources*) 287 E. 100 North St.

WISCONSIN

Green County

Monroe, *Monroe Commercial District*, Roughly bounded by 15th and 18th Aves., 9th and 13th Sts.

The following is a list of corrections to properties listed on the **National Register** Additional corrections may appear in subsequent updates of the **Federal Register.**

KENTUCKY

Woodford County

Midway vicinity, *Lee's Tavern*, U.S. 62 (11–23–77) (previously listed as Offutt-Cole Tavern)

LOUISIANA

Concordia Parish

Frogmore, *Frogmore Plantation House*, U.S. 84 (5–31–80) (previously listed as Gillespie)

NEW HAMPSHIRE

Sullivan County

Lempster, *Lempster Meetinghouse (Union Hall)* Lempster St. (9–8–80) (previously listed as Lempster Meetinghouse)

NEW YORK

New York County

New York, *Smith, Abigail Adams, Museum, 421 E. 61st St.* (1–12–73) (Previously listed as Smith, Abigail Adams, House)

Orange County

Montgomery, *Patchett House (Montgomery Village Multiple Resource Area)* 232 Ward St. (11–21–80) (previously listed as Crabtree-Patchett House)

Putnam County

Brewster, *Old Southeast Town Hall*, Main St. (7–24–79) (previously listed as Old Brewster Town Hall)

PENNSYLVANIA

Armstrong County

Kittanning, *Armstrong County Courthouse*, E. Market St. 11–1–81) (previously listed at Market and Jefferson Sts.

Montgomery County

Elkins Park, *Wall House (The Ivy)* Wall Park Dr. (6–28–79) (Change in road names, previously listed Cheltenam vicinity, W of Cheltenham on Old York Rd.

The following properties were omitted from the listing in the Federal Register.

HAWAII

Honolulu County

Honolulu, *National Memorial Cemetery of the Pacific (Punchbowl)* 2177 Puowaina Dr. (1–11–76)

PENNSYLVANIA

Fayette County

Belle Vernon vicinity, *Cook, Col. Edward, House*, E of Belle Vernon (3–29–78)

[FR Doc. 82–10550 Filed 4–19–82; 8:45 am]

BILLING CODE 4310–70–M

Gateway National Recreation Area; Gateway Advisory Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 3:00 p.m., Tuesday, May 4, 1982, at Federal Hall, 26 Wall Street, Lower Level, New York, New York.

The Commission was established by Pub. L. 92–592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area.

The matters to be discussed at this meeting include:

1. Spring/Summer Programs.
2. Sandy Hook Rehabilitation Status.
3. Report: Gateway Tour by Senior Staff Member, House Interior and Insular Affairs Subcommittee.
4. Recruitment Drive for Minority and Women Surf-lifeguards.
5. Report: Floyd Bennett Field Development Public Input.
6. Transportation: B–9, B–46 Status and Promotion. Discussion of Bridge Toll Increases.
7. Job Corps Presentation.
8. Superintendent's Report.
9. New Business.
10. Set Date and Place for Next Advisory Meeting.

The meeting will be open to the public. The facility at which the meeting will be held is considered physically accessible. If interpretive services are requested by deaf or hearing impaired individuals to this agency within five working days before the meeting, it will be provided. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Robert L. Nunn, Acting Superintendent, Gateway National Recreation Area, Headquarters, Building No. 69, Floyd Bennett Field, Brooklyn, New York 11234, (212) 630–0353.

Minutes of the meeting will be available for inspection four weeks after the meeting at the Gateway National Recreation Area Headquarters Building in Brooklyn.

Dated: April 7, 1982.

Robert L. Nunn,

Acting Superintendent, Gateway National Recreation Area.

[FR Doc. 82–10776 Filed 4–19–82; 8:45 am]

BILLING CODE 4310–70–M

Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before May 20, 1982, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with The Prince William Travel Trailer Village authorizing it to provide Travel Trailer Concession Facilities and services for the public at Prince William Forest Park for a period of seven (7) years from January 1, 1980 through December 31, 1986.

This contract renewal has been determined to be a categorical exclusion under the National Park Service regulations (516 DM 6, Appendix 7.4(B)(2). Extentions or minor modifications of concessions contracts or permits, not entailing construction) implementing the National Environmental Policy Act and of 1969 no environmental document will be prepared. The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1979, and has been continued on a short term basis, and therefore, pursuant to the Act of October 9, 1965, as cited above is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Prince William Travel Trailer Village, as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if thereafter, the proposal of Prince William Travel Trailer Village is substantially equal to others received. In the event a responsive proposal superior to that of Prince William Travel Trailer Village (as determined by the Secretary) is submitted, Prince William Travel Trailer Village will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and if it does so, the new contract will be negotiated with Prince William Travel Trailer Village. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before May 20, 1982 to be considered and evaluated.

Interested parties should contact the Superintendent, Prince William Forest Park, P.O. Box 208, Triangle, Virginia 22172, for information as to the requirements of the proposed contract.

Dated: April 8, 1982.

Robert Stanton,

Regional Director, National Capital Region.

[FR Doc. 82–10766 Filed 4–19–82; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Motor Carrier; 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. OP1–63

Decided: April 9, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 60251 Sub 16, filed April 1, 1982. Applicant: P & D TRANSPORTATION, INC., Connell Highway, Newport, RI 02840. Representative: Frederick T. O'Sullivan, PO Box 2184, Peabody, MA 01960, (617) 535–5430. Transportation *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between points in RI, MA, CT, ME, NJ, VT, NJ, and NY.

MC 83791 (Sub-8), filed April 2, 1982. Applicant: PERKIOMEN VALLEY BUS COMPANY, 875 Main St., Pennsburg, PA 18073. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K Street NW., Washington, DC 20005. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in the U.S. (except HI), under continuing contract(s) with Perkiomen Tours and Travel, Inc., of Pennsburg, PA.

MC 95540 (Sub-1173), filed March 25, 1982. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, FL 33802. Representative: K. Edward Wolcott, 235 Peachtree St., N.E., Suite 1200, Atlanta, GA 30303, (404) 522–2322. 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 General Foods Corporation, General Foods Manufacturing Corporation, and Birds Eye, Inc., all of White Plains, NY, and Oscar Mayer and Co., Inc., of Madison, WI.

MC 119531 (Sub-186), filed April 1, 1982. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, OH 44482–1031. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215, (614) 228–8575. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI).

MC 128940 (Sub-44), filed April 1, 1982. Applicant: RICHARD A. CRAWFORD, d.b.a. R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 303, Gambrills, MD 21054. Representative: Edward N. Button, 635 Oak Hill Avenue, Hagerstown, MD 21740, (301) 739–4860. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Baltimore, MD, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 138741 (Sub-134), filed April 2, 1982. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 914 East Highway H, Liberty, MO 64068. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781–6000. Transporting *metal articles*, between points in MO, Madison, Monroe and St. Clair Counties, IL, Leavenworth, Wyandotte, Johnson, Doniphan and Atchison Counties, KS, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 147101 (Sub-4), filed April 5, 1982. Applicant: LDF, INC., 30 Enterprise Ave., Secaucus, NJ 07094. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Atlanta Bonded Warehouse Corp., of Atlanta, GA.

MC 147811 (Sub-11), filed April 5, 1982. Applicant: FLO-JO CONTRACTING, INC., PO Box 283, Belgrade Lakes, ME 04918. Representative: Karl A. Johnson (same address as applicant), (207) 397–2757. Transporting *chemicals*, between points in the U.S., under continuing contract(s) with Polar Chemicals, Div. of Hamblet and Hayes, of Lewiston, ME.

MC 152320 (Sub-3), filed April 2, 1982. Applicant: VERSPEETEN CARTAGE LIMITED, 67 Dalton Road, Delhi, Ontario, Canada N4B 1B4. Representative: Neill T. Riddell, 900 Guardian Building, Detroit, MI 48226. (313) 963–3750. Transporting *tobacco products*, between points in the U.S., under continuing contract(s) with Imperial Leaf Tobacco, a division of Imasco Ltd., of Aylmer, Ontario, Canada.

MC 158960 (Sub-1), filed April 5, 1982. Applicant: MILLER TRUCKING, INC., South Star Route, Chambers, NE 68725. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *fertilzer*, between points in Caribou County ID, on the one hand, and, on the other, points in AZ, CA, MT, NM, NV, OK, OR, TX, UT, and WA.

MC 161140, filed April 5, 1982. Applicant: HOTSHOT OILFIELD DELIVERIES, INC., 5800 South Lindsey, Oklahoma City, OK 73143. Representative: Clint Oldham, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332–4415. Transporting *Mercer commodities*, between points in OK, on the one hand, and, on the other, points in AR, AZ, CO, KS, KY, LA, MS, MO, NV, NM, TN, TX and WY.

MC 161260, filed March 29, 1982. Applicant: WAGONER MOVING AND STORAGE, INC., 3060 Brookline Road, North Canton, OH 44720. Representative: Robert G. Harris, Trial Lawyers Building, 633 SE. Third Avenue, Suite 301, Ft. Lauderdale, FL 33301, (305) 763–8888. Transporting *New furniture and household goods*, between points in IN, IL, MI, KY, TN, WV, MD, PA, NJ, CT, RI, MA, NY, ME, VT, NH, DE, VA, NC, SC, GA, FL, AL, MS, LA, WI, AR, TX,

MO, CO, OK, KS, SD, ND, IA, NE, MN, OH, and DC.

MC 161261, filed March 29, 1982. Applicant: DICKERSON MOBILE HOMES AND TRANSPORTATION, Box 262, Route 4, Hibbing, MN 55746. Representative: Harold Dickerson (same address as applicant), (218) 263–4113. Transporting *mobile homes*, between points in MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161331, filed April 2, 1982. Applicant: FULMONT TRANSIT & CHARTER SERVICE, INC., 11 Church St., Gloversville, NY 12078. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. 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 Fulmont Tours & Travel, Inc., of Gloversville, NY.

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Decided: April 6, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 27583 (Sub-13), filed March 17, 1982. Applicant: A. W. MARTIN, INC., Bronson Rd., Prospect, CT 06712. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 836–1144. Transporting *petroleum products*, between points in CT, MA and RI.

MC 111903 (Sub-2), filed March 22, 1982. Applicant: STUDENT TRANSPORTATION CO., d.b.a. THE SAFE LINE FLEET, 6980 North Teutonia Ave., Milwaukee, WI 53209. Representative: Bruce E. Mitchell, 5th Fl., Lenox Towers So., 3390 Peachtree Rd., Atlanta, GA 30326, 404–262–7855. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Milwaukee, Racine, Waukesha and Ozaukee Counties, WI, and extending to points in the U.S. (except AK and HI).

MC 130282 (Sub-1), filed March 19, 1982. Applicant: PER-FLO TOURS, INC., Highway 70 Bypass East, P.O. Box 1452, Goldsboro, NC 27530. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, 703–893–3050. As a broker at points in NC, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, between points in the U.S. (including AK and HI).

MC 131023 (Sub-2), filed March 11, 1982. Applicant: INTERNATIONAL TRAVEL CONSULTANTS, INC., d.b.a. WINDWARD TRAVEL CENTER, 127 East Market St., York, PA 17401. Representative: Murray D. Friedman (same address as applicant), 717–757–5611. As a *broker* at York, PA, in arranging for the transportation of *passengers and their baggage*, by motor vehicle, between points in York County, PA, on the one hand, and, on the other, points in PA, MD, NY, MA, VA, NC, TN, SC, GA, FL, NJ, CT, RI, ME, NH, VT, and DC.

MC 143772 (Sub-5), filed March 3, 1982. Applicant: H & W TRUCKING CO., INC., Box 38, Ona, WV 25545. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526, (304) 562–3460. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OH, PA, VA, KY, TN, and WV, on the one hand, and, on the other, points in the U.S. in and east of IL, MO, TN and MS, (except points in CT, RI, MA, VT, NH and ME).

MC 145912 (Sub-6), filed March 23, 1982. Applicant: TRUCK SERVICE, INC., 303 Vance St., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. 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 G/F Business Equipment, Inc., of Youngstown, OH.

MC 146553 (Sub-29), filed March 22, 1982. Applicant: ADRIAN CARRIERS, INC., 1822 Rockingham Rd., P.O. Box 3532, Davenport, IA 52808. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274–4985. Transporting *food and related products*, between the facilities of or used by International Distributing Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147492 (Sub-8), filed March 23, 1982. Applicant: MEL MOTOR EXPRESS, INC., P.O. Box 29058, New Orleans, LA 70189. Representative: James T. Harmon, III (same as applicant's), (504) 246–8221. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Standard Container Corporation, of Picayune, MS.

MC 148773 (Sub-5), filed March 23, 1982. Applicant: A.F.L. TRUCK LINES, INC., 3661 West Blue Heron Blvd., Riviera Beach, FL 33404. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting *machinery, metal and metal products*, between points in FL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149573 (Sub-9), filed March 30, 1982. Applicant: NTL, INC., 4211 South 33rd St., P.O. Box 6645, Lincoln, NE 68506. Representative: J. Max Harding (same address as applicant), 402–483–7633. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with (a) Swift & Company, of Chicago, IL, and (b) Inland Storage Distribution Center, of Kansas City, KS.

MC 152393 (Sub-1), filed March 29, 1982. Applicant: SCOTT B. WARN, d.b.a. OVERNITE EXPRESS, P.O. Box 24, Danville, CA 94526. Representative: Armand Karp, 743 San Simeon Dr., Concond, CA 94518, 415–825–1774. Transporting *such commodities* as are dealt in or used by chain grocery and food business houses, hardware, discount, drug, variety and department stores, between points in the U.S., under continuing contract(s) with The Clorox Company, of Oakland, CA.

MC 156103 (Sub-2), filed February 4, 1982, published in the Federal Register issue of March 2, 1982, and republished, as corrected, this issue. Applicant: MASS TRANSPORT, INC., 12 Mason St., Worcester, MA 01609. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, 413–781–8205. Transporting (1) *coin, currency and instruments and documents used in the business of banks and banking institutions in armored motor vehicles escorted by armed guards*, and (2) *such commercial papers, documents and written instruments* (except coin, currency, and negotiable instruments), *as are used in the business of banks and banking institutions*, between points in the U.S.

Note.—The purpose of this republication is to delete the shippers named in the prior publication.

MC 159673, filed March 22, 1982. Applicant: INLAND PUMPING & DREDGING CORPORATION, P.O. Box 140, Downingtown, PA 19335. Representative: Dale R. Yeager, 388 Devon Drive, Exton, PA 19341 (215) 269–3900. Transporting *hazardous waste materials*, between points in Chester County, PA, on the one hand, and, on the other points in NY, NJ, DE, MD, VA, NC, SC, TN, ME, NH, VT, MA, RI, and CT.

MC 160063, filed March 22, 1982. Applicant: B & R TRUCKING CO., INC., 420 Gimblin Rd., St. Louis, MO 63147. Representative: Ronnie E. St. Arbor, (same address as applicant), (314) 388–0465. Transporting *general commodities*

(except classes A and B explosives, household goods and commodities in bulk), between St. Louis, MO, on the one hand, and, on the other, Jefferson City, MO.

MC 160593, filed February 16, 1982. Applicant: ATLANTIC TRUCKING COMPANY, INC., 3501 Toone St., Baltimore, MD 21224. Representative: Paul C. Marschner, 3 Lakeridge Place, Cockeysville, MD 21030, 301–628–7612. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in DE, NJ, CT, MA, OH, IN, VA, NC, PA, and MD.

MC 160743 (Sub-1), filed March 30, 1982. Applicant: TENNESSEE AMERICAN TRANSPORT, INC., Ronald Dr., Franklin, TN 37064. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004, 202–847–8862. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Maury County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant intends to tack with its regular-route authority pending under MC–160743.

MC 161053, filed March 16, 1982. Applicant: ITALTOURS USA, INC., 60 East 42nd St., Suite 2112, New York, NY 10165. Representative: Frank Castelli (same address as applicant), 212–687–7863. As a broker at New York, NY, in arranging for the transportation by motor vehicle of *passengers and their baggage,* between points in the U.S. (except AK and HI).

MC 161083, filed March 18, 1982. Applicant: H & H TRUCKING, P.O. Box 191, Okolona, MS 38860. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, 601–948–8820. Transporting *lumber and wood products,* between points in AL, AR, LA, MS, TN and TX.

MC 161093, filed March 17, 1982. Applicant: U.S. TOURS, INC., 1701 Princess Anne St., Fredericksburg, VA 22401. Representative: Leonard A. Jaskiewicz, 1730 M St., N.W., Suite 501, Washington, D.C. 20036, 202–296–2900. As a *broker,* at Fredericksburg, VA and Stafford County, VA, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* beginning and ending at Fredericksburg, VA and points in Spotsylvania, Hanover, Louisa, King George, Caroline, King and Queen, King William, Orange, Stafford and Culpepper Counties VA, and extending to points in the U.S. (except AK and HI).

MC 161133, filed March 22, 1982. Applicant: G. & M. TRAVEL, 1735 E. Burgess Rd., Pensacola, FL 32504. Representative: Gary & Shirley Blount (same address as applicant), (904) 477–2228. As a *broker,* at Pensacola, FL, in arranging for the transportion by motor vehicle of *passengers and their baggage,* between points in FL, on the one hand, and, on the other, points in the U.S.

MC 161163, filed March 22, 1982. Applicant: COTTER TRUCKING, INC., 2740 N. Clybourn Ave., Chicago, IL 60614. Representative: Donald C. Van Dyke, 308 S. Division St., Harvard, IL 6003, (815) 943–7951. 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 161182, filed March 24, 1982. Applicant: D.J.M. TRANSPORT, INC., 7130 Southwest 10th Court, Pembroke Pines, FL 33023. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting (1) *such commodities* as are dealt in or used by food business houses, between points in the U.S., under continuing contract(s) with Brothers Trading Company, Inc., of Dayton, OH and (2) *plastic and plastic articles,* between points in the U.S., under continuing contract(s) and (a) M. Holland Company, of Northbrook, IL, (b) Disco, Inc., of Edina, MN, (c) Lovco Plastics, Incorporated, of Deerfield, IL, (d) C. R. Manufacturing Company, of Hopkins, MN (e) Empire Plastics, Inc., of Northbrook, IL, and (f) UFE Incorporated, of Stillwater, MN.

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Decided: April 8, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 39973, filed March 26, 1982. Applicant: STANDARD TRUCKING COMPANY, 225 East Sixteenth St., Charlotte, NC 28230. Representative: Harry J. Jordan, Suite 502, 1000 16th St., NW., Washington, DC 20036, 202–783–8131. 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 Distribution Technology, Inc., of Charlotte, NC.

MC 41432 (Sub-178), filed March 22, 1982. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., Suite 700, 2355 Stemmons Freeway, P.O. Box 10125, Dallas, TX 75207. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75207, (214) 358–3341. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between the facilities of The Burke Company and E. I. du Pont de Nemours & Co., at points in the U.S., on the one hand, and, on the other, points in the U.S. including HI, but excluding AK.

MC 60612 (Sub-25), filed April 2, 1982. Applicant: TISCHLER EXPRESS, INC., 8408 Elliston Dr., Philadelphia, PA 19118. Representative: Ira G. Megdal, 499 Cooper Landing Rd., Cherry Hill, NJ 08002, 609–667–6000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NJ, MA, CT, RI, NY, PA, OH, MD, DE, VA, WV, and DC.

MC 87532 (Sub-9), filed March 24, 1982. Applicant: CLAY PRODUCTS TRANSPORT, INC., P.O. Box 429, R.F.D. No. 2, Dover, OH 44622. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215, 612–228–1541. 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 Universal-Cyclops Specialty Steel Division of Cyclops Corporation, of Pittsburgh, PA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 99802 (Sub-4), filed March 22, 1982. Applicant: MARINO BROS. TRUCKING CO., 3516 Newton Rd., Stockton, CA 95202. Representative: Milton W. Flack, 8484 Wilshire Blvd., Suite 840, Beverly Hills, CA 90211, 213–655–3573. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (a) between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY, and (2) between points in CA. Condition: Issuance of this certificate is subject to prior or coincidental cancellation of applicant's written request of Certificate of Registration No. MC–99802 (Sub-No. 3).

Note.—One purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity.

MC 114612 (Sub-6), filed March 24, 1982. Applicant: C. A. SHETROM, INC., Route 22, Huntingdon, PA 16652. Representative: Daniel W. Krane, P.O. Box E, Shiremanstown, PA 17011, (717)

232–8324. Transporting (1) *food and related products,* between points in NY, NJ, MD, DE, PA, VA, WV, OH, MI, NC, GA, FL, IN, IL, SC, WI and DC, and (2) *such commodities* as are dealt in by food business houses, between points in Huntingdon County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 135902 (Sub-8), filed March 31, 1982. Applicant: ESTATE OF KENNETH M. MOODY, d.b.a. K. M. MOODY, 3100 Dogwood St., NW., Washington, DC 20015. Representative: David C. Venable, 400 Spring Valley Center, 4801 Massachusetts Ave., NW., Washington, DC 20016, (202) 364–8933. Transporting (1) *tires and tubes, and accessories for tires and tubes,* between points in the U.S., under continuing contract(s) with Firestone Tire & Rubber Co., Inc., of Akron, OH, and (2) *rubber and plastic* products, between points in the U.S., under continuing contract(s) with Rubbermaid Commercial Products, Inc., of Winchester, VA.

MC 140902 (Sub-21), filed April 1, 1982. Applicant: DPD, INC., 3600 N.W. 82nd Ave., Miami, FL 33166. Representative: Dale A. Tibbets (same as applicant), (305) 593–3204. 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 Tektronix, Inc., of Beaverton, OR, and Washington Oregon Shippers Cooperative Association, Inc., of Seattle, WA.

MC 142763 (Sub-2), filed March 22, 1982. Applicant: G. W. CANNON COMPANY, P.O. Box 1209, Muskegon, MI 49443. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, 517–482–2400. Transporting *sand,* between points in Muskegon County, MI, and Seneca County, OH.

MC 146133 (Sub-6), filed March 25, 1982. Applicant: HALVOR LINES, INC., 4609 W. First, Duluth, MN 55806. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in St. Louis County, MN, and Douglas County, WI, on the one hand, and, on the other, points in the U.S. (except AK an HI).

MC 147402 (Sub-12), filed March 25, 1982. Applicant: WACO DRIVERS SERVICE, INC., 138 Atando Ave., Charlotte, NC 28206. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transportilng *automotive parts* and *such commodities* as are used in the manufacture and distribution of automotive parts, between points in the U.S., under continuing contract(s) with Raybestos Manhattan, Inc., of Manheim, PA.

MC 149562 (Sub-1), filed March 19, 1982. Applicant: COPPER TRANSPORT, INC., P.O. Box 760, Glen Burnie, MD 21061. Representative: W. Wilson Corroum, 2130 Sykesville Rd., Westminster, MD 21157; 301–876–3742. Transporting *pallets and containers,* between points in the U.S., under continuing contract(s) with Design & Packaging Co., of Cockeysville, MD.

MC 151383 (Sub-11), filed March 30, 1982. Applicant: NICKELL TRUCKING CO., 4901 West 51st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth St., Tulsa, OK 74103, 918–583–9000. 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 (a) Trico Industries, Inc., Columbian Division, of Kansas City, KS, and (b) Lennox Industries, Inc., of Dallas, TX.

MC 151482 (Sub-4), filed March 29, 1982. Applicant: ROCK VALLEY CONTRACT CARRIERS, INC., 3571 Merchandise Drive, Rockford, IL 61109. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219–2383, (412) 471–1800. Transporting *such commodities* as are dealt in by hardware and discount stores, between points in the U.S., under continuing contract(s) with Newell Companies, Inc., of Freeport, IL and its subsidiaries.

MC 151703 (Sub-11), filed March 29, 1982. Applicant: NORSUB, INC., R. D. #1, Box 317, Evans City, PA 16033. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, 412–471–3300. Transporting (1) *metal products,* between points in AR, CA, CO, CT, DE, ID, IL, IN, MD, MI, MO, NJ, NY, OH, PA, RI, TX, and WV, on the one hand, and, on the other, points in the U.S. (except AK and HI); (2) *ores and minerals and waste or scrap materials not identified by industry producing,* between points in MD, MI, NJ, NY, OH, PA, and WV; (3) *machinery,* between points in IL, IN, MD, MI, NY, PA, and WV, on the one hand, and, on the other, points in CA, CO, CT, ID, IL, IN, KS, MI, MN, MO, MT, NY, OH, OR, RI, TX, UT, WA, and WY; and (4) *refractories and refractory products,* between points in the U.S. (except AK and HI).

MC 156423, filed April 1, 1982. Applicant: J.R.J. INC. T/A RAIL HEAD TRANSFER, 275 Distribution St., Port Newark, NJ 07114. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904 (201) 572–5551. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between New York, NY, on the one hand, and, on the other, points in CT, DE, MA, MD, NJ, NY, PA, and RI.

MC 158942 (Sub-1), filed March 29, 1982. Applicant: D & L TRUCKING, P.O. Box 1702, Alvin, TX 77511. Representative: Doyle G. Owens, 3965 Phelan, Suite 209, Beaumont, TX 77707 (713) 835–6313. Transporting *machinery, supplies and pipe,* between points in Harris, Brazoria, Ft. Bend, Galveston, Colorado, Wharton, Waller, Montgomery, Liberty, Hardin, Jasper, Jefferson, Orange, Jackson, Matagorda, Calhoun, Refugio, San Patricio, Nueces, Jim Wells, Kleberg, Kenedy, Brooks, Duval, McMullen, Live Oak, Bee, Goliad, Victoria, Midland, Glasscock, Sterling, Martin, Howard, Mitchell, Gaines, Dawson, Andrews, Loving, Winkler, Ector, Irion, Reagan, Upton, Crane, Ward, Pecos and Crockett Counties, TX; Lafayette, Vermilion, Iberia, St. Martin, Iberville, St. Mary, East Baton Rouge, West Baton Rouge, St. Landry, Evangeline, Allen, Jefferson Davis, Cameron and Acadia Parishes, LA; Custer, Washita, Blaine, Kingfisher, Canadian, Caddo, Grady, Kiowa, Greer, Beckham, Roger Milles, Dewey, Ellis, Woodward and Major Counties, OK; Natrona, Converse, Campbell, Weston, Johnson, Washakie, Hot Springs, Freemont, Sweetwater, Cargon, Albany, Platte, Goshen and Niobrara Counties, WY; Fulton County, GA and Hamilton County, OH.

MC 161192 filed March 24, 1982. Applicant: SCHEFFLERWAYS, INC., P.O. Box 1341, Saginaw, MI 48605. Representative: J. G. Dail, Jr., P.O. Box LL McLean, VA 22101 (703) 893–3050. Transporting *passengers and their baggage,* in special and charter operations, between points in the U.S, under continuing contract(s) with Scheffler's Four Seasons Tours, Inc., of Saginaw, MI.

MC 161252, filed March 29, 1982. Applicant: COAST TRANSFER CO., INC., 120 N. W. 36th Street, Seattle, WA 98109. Representative: W. H. Tomlinson, 1601–13th Street, Suite B, Columbus, GA 31901 (404) 322–8404. As a broker of *general commodities* between points in the U.S.

MC 161262, filed March 29, 1982. Applicant: LEXORT MOTOR FREIGHT, INC., 8 Church St., P.O. Box 158, Rossville, TN 38066. Representative: Warren A. Goff, 109 Madison Ave.,

Memphis, TN 38103 (901) 526–2900. Transporting *metal, rubber, plastic, and leather products,* between points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MS, MO, NE, NV, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VA, WV and WI.

MC 161333, filed April 2, 1982. Applicant: PACIFIC–ALASKA TRANSPORT, INC., 1725 8th Avenue South, Seattle, WA 98124. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101 (206) 624–7373. Transporting *general commodities* (except household goods and classes A and B explosives), between Seattle and Tacoma, WA, on the one hand, and, on the other, points in AK.

MC 161343, filed April 2, 1982. Applicant: M & J TRUCKING, INC., R. D. No. 2, Box 25, Seven Valleys, PA 17360. Representative: Norman T. Petow, 43 North Duke St., York, PA 17401 (717) 843–8004. Transporting *hides, skins, pelts, and scrap metal,* between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MO, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

Volume No. OP2–75

Decided: April 12, 1982.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 1083 (Sub-6), filed March 29, 1982. Applicant: BOWER TRANSPORTATION SERVICES, INC., 1101 W. 11th St., Vancouver, WA 98666. Representative: Jerry R. Woods, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, 503–224–5525. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA, ID, NV, OR, and WA.

MC 69833 (Sub-166), filed March 29, 1982. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave., NW, Grand Rapids, MI 49503. Representative: Bruce A. Bullock, One Woodward Ave.-26th Floor, Detroit, MI 48226 (313) 965–2577. 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 J. C. Penney Company, Inc. of New York, NY.

MC 71043 (Sub-12), filed March 29, 1982. Applicant: LA PORTE TRANSIT CO., INC., P.O. Box 578, La Porte, IN 46350. Representative: Louis J. Carque (Same address as applicant) 219–362–6211. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (I) over regular routes: (1) Between Lebanon, and Winchester, IN over IN Hwy 32, (2) Between Kokomo and Richmond, IN: From Kokomo over U.S. Hwy 31 to junction IN Hwy 28, then over IN Hwy 28 to junction IN Hwy 38, then over IN Hwy 38 to Richmond, and return over the same route, (3) Between Ft. Wayne and Portland, IN, over U.S. Hwy 27, (4) Between Ft. Wayne and Hartford City, IN: From Ft. Wayne over IN Hwy 1 to junction IN Hwy 26, then over IN Hwy 26 to Hartford City, and return over the same route, (5) Between Veedersburg and Clinton, IN: From Veedersburg over U.S. Hwy 74 to junction IN Hwy 63, then over IN Hwy 63 to Clinton, and return over the same route, (6) Between Muskegon and Lansing, MI, over Interstate Hwy 96, (7) Between Allegan and Jackson, MI: From Allegan over MI Hwy 89 to Battle Creek MI, then over Interstate Hwy 94 to Jackson, and return over the same route, (8) Between New Buffalo and Jonesville, MI, over U.S. Hwy 12, (9) Between New Buffalo and Lansing, MI: From New Buffalo over Interstate Hwy 94 to junction U.S. Hwy 27, then over U.S. Hwy 27 to Lansing, and return over the same route, (10) serving all intermediate points in conjunction with routes (1) thru (9) above, (11) serving in conjunction with routes (1) thru (5) above, all points in Adams, Blackford, Boone, Delaware, Hamilton, Henry, Jay, Madison, Randolph, Tipton, Vermillion, Wayne and Wells Counties, IN as off-route points in connection with carriers otherwise authorized operations, and (12) serving in conjunction with routes (6) thru (9) above, all points in Allegan, Barry, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Hillsdale, Ingham, Ionis, Jackson, Kalamazoo, Kent, Muskegon, Ottawa, St. Joseph and Van Buren Counties, MI as off-route points in connection with carriers otherwise authorized operations, and (II) *over irregular routes,* between points in Champaign, Ford, Grundy, Iroquois, Kankakee and Vermillion Counties, IL.

MC 133802 (Sub-8), filed March 26, 1982. Applicant: EMPAK TRANSPORTATION COMPANY, 1400 South Harrison, P.O. Box 1974, Olathe, KS 66061. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141 (816) 842–8600. Transporting *plastic bottles,* between points in the U.S., (except AK and HI), under continuing contract(s) with Penn-Plastics, Inc., of Creighton, PA.

MC 144542 (Sub-3), filed March 25, 1982. Applicant: CAR TRANSPORTERS CORPORATION, 2001 West Fourth Plain, Vancouver, WA 98660. Representative: John R. Bagileo, 918-16th St. NW, Washington, DC 20006, 202–785–3700. Transporting *transportation equipment,* between points in the U.S., under continuing contract(s) with Subaru Northwest, Inc., of Portland, OR.

MC 144982 (Sub-24), filed March 19, 1982. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, 817–457–0804. Transporting *rubber scrap,* between points in St. Joseph County, IN, on the one hand, and, on the other, points in AZ, CA, CO, OR, TX, UT and WA.

MC–149152 (Sub-6), filed March 9, 1982. Applicant: L & L MOTOR FREIGHT, INC., 1911 N.W. 1st St., Oklahoma City, OK 73106. Representative: William P. Parker, P.O. Box 54657 Oklahoma City, OK 73154 (405) 424–3301. Over *regular routes,* transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (1) between Monahans, TX and Oklahoma City, OK: (a) from Monahans over U.S. Hwy 80 to Odessa, TX, then along U.S. Hwy 385 to junction U.S. Hwy 62 at Seminole, TX, then along U.S. Hwys 62 and 385 to junction U.S. Hwys 62 and 82 at Brownfield, TX, then along U.S. Hwys 62 and 82 to junction U.S. Hwy 62 at or near Ralls, TX, then along U.S. Hwy 62 to junction U.S. Hwys 62 and 70, at Floydada, TX, then along U.S. Hwys 62 and 70 to junction U.S. Hwy 70 at Paducah, TX, then along U.S. Hwy 70 to junction U.S. Hwy 183 at Vernon, TX, then along U.S. Hwy 183 to junction U.S. Hwy 62 at or near Snyder, OK, then along U.S. Hwy 62 to Oklahoma City, OK, and return over the same routes, serving all intermediate points; and serving all points in OK as off-route points; (b) from Monahans, TX, over Interstate Hwy 20 to Abilene, TX, then along U.S. Hwy 277 to Oklahoma City, OK, and return over the same route, serving all intermediate points; (2) from Midland, TX to Lubbock, TX; (a) from Midland over TX Hwy 349 to junction U.S. Hwy 87 at Lamesa, TX, then along U.S. Hwy 87 to Lubbock, TX and return over the same route, serving all intermediate points.

MC–159333, filed March 29, 1982. Applicant: McINVALE FREIGHT LINES, INC., 5965 Hwy. 18 S., Jackson, MS 39209. Representative: W. M. McInvale (same address as applicant) 601–922–2020. Transporting *baby furniture,* between the facilities of California Strolee, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160762, filed March 19, 1982. Applicant: BAND BUSSES INC., Route 7, Box 521, Gadsden, AL 35903. Representative: James H. McGinnis (same address as applicant) 205–546–2821 ext 404. Transporting *passengers and their baggage*, in round trip, special and charter operations, beginning and ending at Covington, GA and points in Montgomery, Autauga, Etowah, Jefferson, Marshall, Calhoun, Cherokee and DeKalb Counties AL, and Knox County TN and extending points in the U.S. (excluding AK and HI).

MC 161202, filed March 25, 1982. Applicant: FLINT T.B.A., INC., P.O. Box 1335, Industrial Air Park, Bainbridge, GA 31717. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, 904–632–2300. Transporting (1) *minerals and ores*, between points in Thomas County, GA, on the one hand, and on the other, points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extenting 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 the international boundary line between the United States and Canada, (2) *petroleum and petroleum products*, between points in Bay County, FL, on the one hand, and, on the other, points in GA, (3) *textile mill products*, between points in Decatur County, GA, on the one hand, and, on the other, points in CT, DE, MD, MA, NC, NH, NY, PA, RI, SC, VA and DC, and (4) *petroleum and petroleum products and chemicals* (a) between points in McKean County, PA, Hancock County, WV, New York, NY Commercial Zone, Erie county, NY, Suffolk County, MA, Chicago, IL Commercial Zone, Lake County, IN and Warren County, MS, on the one hand, and, on the other, points in AL, GA, FL, and MS, and (b) between points in Fulton County, GA, Duval, Hillsborough and Dade County, FL, on the one hand, and, on the other, points in MD, DE, PA, NJ, NY, IL and OH.

Volume No. OP3–060

Decided: April 14, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 22195 (Sub-187), filed April 5, 1982. Applicant: DAN DUGAN TRANSPORT COMPANY, 41st and Grange Ave., Sioux Falls, SD 57117. Representative: F. Fred Fischer, Box 946, Sioux Falls, SD 57117 (605) 335–2200. Transporting *commodities in bulk*, between points in ND, SD, NE, KS, MN, IA, MO, MT, WY, CO, NM, TX, OK, AR, LA, WI, IL, IN, MI, OH and KY.

MC 57275 (Sub-16), filed April 5, 1982. Applicant: SCHADE REFRIGERATED LINES, INC., 4420 N. 42nd Ave., Phoenix, AZ 85019. Representative: Andrew V. Baylor, 337 E. Elm St. Phoenix, AZ 85012 (602) 274–5146. Transporting (1) *food and related products*, (2) *chemicals and related products*, and (3) *instruments and photographic goods*, between points in AZ, on the one hand, and, on the other, points in Imperial, Riverside, and San Bernardino Counties, CA, Dolores and La Plata Counties, CO, Clark County, NV, San Juan and McKinley Counties, NM, and Kane and Washington Counites, UT.

MC 110325 (Sub-184), filed April 6, 1982. Applicant: TRANSCOM LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome Biniàsz (same address as applicant) (213) 640–1800. Transporting *Genral 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 Ford Motor Company, and its subsidiaries, of Dearborn, MI.

MC 114284 (Sub-106), filed April 1, 1982. Applicant: FOX-SMYTHE TRANSPORTATION CO., P.O. Box 82307, Stockyard Station, Oklahoma City, OK 73148. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601. (913) 234–0565. Transporting *such commodities* as are dealt in by chain grocery and food business houses, between Memphis, TN and points in AR, LA, MS, MO, and OK.

MC 117954 (Sub-33), filed April 6, 1982. Applicant: H. L. HERRIN, JR., P.O. Box 1106, Metairie, LA 70004. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202 (316) 265–2634. Transporting *foodstuffs*, between points in Dane County, WI, and Chicago, IL, on the one hand, and, on the other, points in LA and MS.

MC 144314 (Sub-2), filed April 1, 1982. Applicant: FARWEST INDUSTRIES OF LONGVIEW, INC., 225 Industrial Way, P.O. Box 1793, Longview, WA 98632. Representative: Robert Portner (same address as applicant) (206) 425–6210. Transporting *treated poles and piling*, between points in WA, OR, CA, NV, and ID.

MC 146605 (Sub-8), filed April 6, 1982. Applicant: EVENSON BROS., INC., P.O. Bos 328, Pelican Rapids, MN 56572. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with North Pacific Lumber Co., of Portland, OR, and Chandler Corporation, of Boise, ID.

MC 147644 (Sub-12), filed April 2, 1982. Applicant: J.M.C. TRANSPORT, INC., 1719 Potters Lane, Jeffersonville, IN 47130. Representative: Gerald K. Gimmel, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877 (301) 288–8361. Transporting (1) *wallcoverings*, and (2) *chemicals and related products*, between Louisville, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148634 (Sub-3), filed April 6, 1982. Applicant: COMPASS TRANSPORTATION COMPANY, P.O. Box 81225, San Diego, CA 92138. Representative: David P. Downey (same address as applicant) (714) 571–1549. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Price Company, of San Diego, CA.

MC 151785 (Sub-6), filed April 5, 1982. Applicant: CONTACT CARTAGE CORPORATION, 1104 Merridale Blvd., Mount Airy, MD 21771. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209 (703) 522–0900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with the Kenneth Clark Company, Inc., of Millersville, MD.

MC 155445, filed April 2, 1982. Applicant: TRIPLE S FAST SERVICE CORP., 210 Autumn Ave., Brooklyn, NY 11208. Representative: Luis Herrera (same address as applicant) (212) 827–1220. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in CT, on the one hand, and, on the other, points in NY, NJ, PA, DE, MD, VA, NC, SC, GA, and FL.

MC 157565 (Sub-2), filed April 5, 1982. Applicant: BUD MEYER TRUCK LINES, INC., P.O. Box 97, Theilman, MN 55987. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291–1215. Transporting *frozen potatoes*, between points in the U.S., under continuing contract(s) with Chef-Reddy Foods Corp. of Clark, SD.

MC 160984 (Sub-1), filed April 5, 1982. Applicant: C-TRANS., INC., 800 W. Center St., P.O. Box 1155, Paris, TX 75460. Representative: Milton W. Flack, 8484 Wilshire Blvd., Suite 840, Beverly Hills, CA 90211, (213) 655–3573.

Tranporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contracts with (a) KFC National Purchasing Cooperation, Inc., Kentucky Fried Chicken National Management Company, Kentucky Fried Chicken Corporation, H. Salt Fish & Chip Co., and Zantigo, all of Louisville, KY, (b) Sea Snack Foods, Inc., of Los Angeles, CA, (c) Bram Distributing Company, Inc., of Commerce, CA, and (d) International Foodservice, Division of Action Corporation, of Carson, CA.

MC 161344, filed April 2, 1982. Applicant: W. W. ROWLAND TRUCKING CO., INC., 10000 Wallisville Rd., P.O. Box 24085, Houston, TX 77013. Representative: H. M. Harris (same address as applicant) (713) 675–1200. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), in containers and trailers, and empty containers and trailers, (1) between the ports of Gulfport and Biloxi, MS, Mobile, AL, and New Orleans, LA, and points in Orange, Jefferson, Liberty, Harris, Galveston, Brazoria, Matagorda, Calhoun, Nueces, and Cameron Counties, TX, and (2) between points in (1) above, on the one hand, and, on the other, points in AL, AR, CO, IL, KS, LA, MS, MO, NM, OK, TN, and TX, restricted to traffic having a prior or subsequent movement by water and rail.

MC 161345, filed April 2, 1982. Applicant: WELCH MOVING & STORAGE CO., INC., 37 Garfield St., Asheville, NC 28803. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877 (301) 840–8565. Transporting *household goods and electronic equipment,* between points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MD, MA, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV and DC.

MC 161374, filed April 5, 1982. Applicant: RIVAS TRUCKING, 16714 Cherry Ave., Torrance, CA 90504. Representative: Florencio Rivas (same address as applicant) (213) 329–2106. Transporting *office furniture,* between points in the U.S., under continuing contract(s) with Agramonte Int., d/b/a M & J Desk Manufacturing Co., of Pacoima, CA.

MC 161375, filed April 5, 1982. Applicant: STEPHENS TOURS, INC., P.O. Box 3724, Springfield, IL 62708. Representative: Bill Stephens (same address as applicant) (217) 793–0355. As a *broker,* at Springfield, IL, in arranging for the transportation of *passengers and their baggage,* between points in IL, IA, MO, IN, KY, and TN, on the one hand, and, on the other, points in the U.S.

MC 161385, filed April 6, 1982. Applicant: SOUTHWEST FOREST INDUSTRIES, 1090 SE M. St., P.O. Box 931, Grants Pass, OR 97526. Representative: Rick Smith (same address as applicant) (503) 479–8381. Transporting *softwood lumber products,* between points in OR, on the one hand, and, on the other, points in OR, WA, and CA.

MC 161394, filed April 6, 1982. Applicant: H. M. WHITE TRANSPORTATION CO., INC., 822 East Washington St., Suffolk, VA 23434. Representative: Herman M. White (same address as applicant) (804) 539–8484. Transporting *passengers and their baggage,* in special and charter operations, beginning and ending at points in VA, and points in Gates and Pasquotank Counties, NC, and extending to points in the U.S. (except HI).

MC 161405, filed April 7, 1982. Applicant: WILLIAM D. YOUNG, 4847 S. 68th E. Ave., Tulsa, OK 74145. Representative: William D. Young (same address as applicant) (981) 664–7283. As a *broker,* transporting *household goods,* between points in the U.S.

Volume No. OP4–130

Decided: April 9, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 126477 (Sub-12), filed April 1, 1982. Applicant: JET AIR FREIGHT & PARCEL DELIVERY, INC, P.O. Box 9313—Baer Field; Fort Wayne, IN 46899. Representative: James P. Kirkhope, P.O. Box 15296, Fort Wayne, IN 46885, (219) 422–8884. 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 American Shippers, Inc., of Fort Wayne, IN.

MC 128837 (Sub-47), filed March 30, 1982. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *food and related products,* and *such commodities* as are dealt in by food and grocery stores, between St. Louis, MO, and points in St. Louis County, MO and Marion County, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146097 (Sub-6), filed April 1, 1982. Applicant: LENNEMAN TRANSPORT, INC., 10 Michigan St. North, Hutchinson, MN 55350. Representative: Robert P. Sack, 837 Apollo Rd., Eagan, MN 55121, (612) 452–8770. Transporting *alcoholic beverages,* between points Pennington County, SD and points in MN and ND, on the one hand, and, on the other, points in Multnomah County, OR, Gregg County, TX, Shelby County, TN, LaCrosse and Milwaukee Counties, WI, Peoria County, IL, Houston County, GA, St. Louis City County, MO, Essex County, NJ, St. Louis County, MN, Hillsborough and Manatee Counties, FL, Douglas County, NE, Forsyth County, NC, points on the International Boundary line between the U.S. and Canada at points in MN, ND, and MT, and points in CA, PA, NY, and MI.

MC 161277, filed March 29, 1982. Applicant: AMERITOURS, INC, 1447 Peachtree Street NE., Suite 606, Atlanta, GA 30309. Representative: Bruce E. Mitchell, 5th Floor, Lenox Towers So., 3390 Peachtree Rd., Atlanta, GA 30326, (404) 262–7855. To operate as a *broker* at Atlanta, GA, to arrange for the transportation of *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, between points in the U.S. (except AK and HI).

Volume No. OP4–132

Decided: April 12, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 143127 (Sub-84), filed March 29, 1982. Applicant: K.J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Catherine Jablonski (same address as applicant); (716) 924–9951. 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 General Foods Corporation, General Foods Manufacturing Corporation, and Birds Eye, Inc., all of White Plains, NY, and Oscar Mayer and Co., Inc., of Madison, WI.

MC 146807 (Sub-36), filed March 29, 1982. Applicant: S-N-W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Edward F. V. Pietrowski, Scranton Life Bldg., Suite 430, Scranton, PA 18503, (717) 346–5761. Transporting *chemicals and related products,* between points in CA, NV, OR, WA, MN, TX, IL, IN, MO, KS, GA, TN, MI and LA.

MC 146447 (Sub-27), filed March 29, 1982. Applicant: TANBAC, INC., 2941 SW 1st Terr., Ft Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166, (305)592–0036. Transporting *general commodities* (except classes A & B explosives, household goods and commodities in

bulk), between points in the U.S., under continuing contract(s) with Stop & Shop Companies, Inc., of Boston, MA.

MC 146447 (Sub-28), filed March 29, 1982. Applicant: TANBAC, INC., 2941 SW 1st Terr., Ft Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *general commodities* (except classes A & B explosives, household goods and commodities in bulk), between points in the U.S. under continuing contract(s) with Candle Corporation of America, of Chicago, IL.

Volume No. OP5–82

Decided: April 8, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 114848 (Sub-70), filed March 29, 1982. Applicant: WHARTON TRANSPORT CORPORATION, P.O. Box 13068, Memphis, TN 38113. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, 601–355–1291. Transporting *aluminum trihydrate, in bulk in tank vehicles,* between points in St. James Parish, LA, on the one hand, and, on the other, points in Humphries County, TN.

MC 129059 (Sub-3), filed March 29, 1982. Applicant: WILSON DRIVEAWAY, INC., 32 West Randolph, Suite 1800, Chicago, IL 60601. Representative: Anthony E. Young, 29 So. LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting *motor vehicles, baggage, sporting equipment, and personal effects of owners thereof,* between points in NY, FL, CA, CO, WA, and TX, on the one hand, and, on the other, points in the U.S. (except AK).

MC 139659 (Sub-3), filed March 30, 1982. Applicant: BRIGHT TRUCKING, INC., 1st Ave. and 16th St. So., St. Cloud, MN 56301. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, 612–542–1121. Transporting *rubber and plastic products,* between points in the U.S. under continuing contract(s) with Stearns Mfg. Co., of Sauk Rapids, MN.

MC 140409 (Sub-0), filed March 26, 1982. Applicant: CIRCLE B TRANSPORTATION CORPORATION OF NORTH DAKOTA, P.O. Box 207, 10250 W 44th Ave., Wheat Ridge, CO 80034–0207. Representative: Robert W. Armstrong, (same address as applicant), 303–420–9966. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in UT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145468 (Sub-53), filed March 29, 1982. Applicant: KSS TRANSPORTATION CORP., P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, 402–397–7033. Transporting *food and related products,* between points in Lackawanna and Lehigh Counties, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146518 (Sub-16), filed March 29, 1982. Applicant: OWEN MOTOR FREIGHT LINE, INC., P.O. Box 7516, Alexandria, LA 71306. Representative: Bruce E. Mitchell, Fifth Floor, Lennox Tower South, 3390 Peachtree Road NE, Atlanta, GA 30326, 404–262–7855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in LA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149308 (Sub-21), filed March 30, 1982. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6655. Transporting *metal products,* between points in the U.S. under continuing contract(s) with Holley Carburetor Division-Colet Industries, Operating Corporation of Warren, MI.

MC 151179 (Sub-3), filed March 26, 1982. Applicant: G-M TRANSPORTS, INC., 12344 East Northwest Hwy., Dallas, TX 75228. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, 214–255–6279. 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 Valu Rite, Inc. of Orange, CA, and United Forwarding, Inc. of Omaha, NE.

MC 151609 (Sub-5), filed March 29, 1982. Applicant: BRIAN KARGMAN, d.b.a. B.K. LEASING CO., Dutch Mill Rd., Franklinville, NJ 08322. Representative: David Earl Tinker, 1000 Connecticut Avenue NW., Suite 1112, Washington, DC 20036–5391, 202–887–5868. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with Mrs. Smith's Frozen Foods Co., of Pottstown, PA.

MC 155118 (Sub-6), filed March 29, 1982. Applicant: T.D.S. TRANSPORTATION, INC., 1700 South Wolf Rd., Des Plaines, IL 60018. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, 312–263–1600. 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 Richman Gordman Stores, Inc. of Omaha, NE; Cook United, Inc. of Maple Heights, OH; Fine Candy Co., of Oklahoma City, OK; and Colgate-Palmolive Co., Inc. of Jeffersonville, IN.

MC 160798 (Sub-1), filed March 29, 1982. Applicant: CRYOGENIC TRANSPORTATION, INC., P.O. Box 1845, 825 East South Omaha Bridge Rd., Council Bluffs, IA 51501. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, 402–392–1220. Transporting *liquid gases, compressed gases, and cryogenic gases,* between points in the U.S. under continuing contract(s) with Thermice Corporation of Philadelphia, PA; Amerigas, Inc. of Valley Forge, PA; Archer-Daniels-Midland Co. of Overland Park, KS; Airco Industrial Gas, Division of Airco, Inc. of Murray Hill, NJ; Liquid Carbonic Corporation of Chicago, IL; AGA Burdox, Inc. of Cleveland, OH and M.G. Burdett Gas Products, Inc. of Norristown, PA. Condition: To the extent any certificate issued herein authorizes the transportation of dangerous commodities, it shall be limited in point of time to a period expiring five (5) years from its date of issuance.

Volume No. OP5–83

Decided: April 13, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 121639 (Sub-12), filed April 2, 1982. Applicant: OKMULGEE EXPRESS, INC., 207 N. Cincinnati, Tulsa, OK 74103. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262–1322. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Sebastian and Crawford Counties, AR, and points in Craig, Ottawa, Rogers, Mayes, Delaware, Creek, Tulsa, Wagoner, Cherokee, Adair, Okmulgee, Muskogee, McIntosh, Haskell, Sequoyah, Pittsburg, Latimer and Leflore Counties, OK.

Note.—Applicant intends to tack this authority with its existing regular route authority.

Mc 125299 (Sub-15), filed April 1, 1982. Applicant: WITTE BROTHERS EXCHANGE, INC., 960 East Cherry St., Troy, MO 63379. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Ft. Worth, TX 76112, 817–457–0804. Transporting *alcoholic beverages,*

(except in bulk), between points in CA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 126588 (Sub-11), filed April 2, 1982. Applicant: KERR MOTOR LINES, INC., ¼ Jackson St., Binghamton, NY 13903. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472–8845. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in MA, NY, and PA, on the one hand, and on the other, points in CT, DE, IL, IN, KY, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC.

MC 134038 (Sub-12), filed April 2, 1982. Applicant: MAJORS TRANSIT, INC., P.O. Box 7, Caneyville, KY 42721. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, Ky 40202, (502) 589–5400. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Grayson County, KY, on the one hand, and, on the other, points in the United States (except AK and HI).

Note.—Applicant intends to tack this authority with its existing regular route authority.

MC 136348 (Sub-6), filed April 1, 1982. Applicant: ANTHONY G. FRANCIS AND JOSEPH G. FRANCIS, d.b.a. FRANCIS WHOLESALE CO., 3048 White Horse Rd., Greenville, SC 29611. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting (1) *woven fiber glass,* and (2) *fabrics* used in the manufacture of bullet-proof clothing, between points in Anderson County, SC, on the one hand, and, on the other, points in AZ, CT, DE, FL, GL, IN, MA, MD, ME, MI, MN, NC, NH, NJ, NY, OH, OR, PA, RI, TX, VA, VT, WA, and WI.

MC 140318 (Sub-2), filed April 2, 1982. Applicant: HORNE STORAGE COMPANY, INC., P.O. Box 1744, Goldsboro, NC 27530. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840–8565. Transporting *household goods and electronic equipment,* between points in NC and SC, on the one hand, and, on the other, points in the United States (including AK, but excluding HI).

MC 149218 (Sub-19), filed March 31, 1982. Applicant: SUNBELT EXPRESS, INC., U.S. Hwy 78, W. Bremen, GA 30110. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *such commodities* as are dealt in or used by wholesale and retail grocery houses, retail chain department stores, and drug stores, between those points in the U.S. in and east of MN, IA, NE, CO, OK, and TX.

MC 149308 (Sub-22), filed April 1, 1982. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *pulp, paper and related products* (except in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with St. Regis Paper Company of West Nyack, NY.

MC 151118 (Sub-19), filed March 26, 1982. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, 601–335–3576. Transporting (1) *chemicals and related products,* (except classes A and B explosives, hazardous waste, and commodities in bulk), between points in Dale County, AL; Lawrence County, AR; Humbolt County, IA; Edwards County, IL, and Indianapolis, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *metal products,* and *pulp paper and related products,* between points in Edwards County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151118 (Sub-20), filed April 1, 1982. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 235–3576. Transporting *pulp, paper and paper products* between points in Garland County, AR, Clarke County, MS, and Forsyth County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151819 (Sub-12), filed March 29, 1982. Applicant: CARGO-MASTER, INC., 2815 Gaston Ave., Dallas, TX 75226. Representative: Jackson Salasky (same address as applicant), 214–824–6170. Transporting *batteries and battery parts,* between points in Forsyth County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151878 (Sub-1), filed March 30, 1982. Applicant: THREE WAY CORPORATION, 1120 Karlstad Drive, Sunnyvale, CA 94086. Representative: Charles H. White, Jr., 1019 19th Street NW., Suite 800, Washington, DC 20036, (202) 785–3420. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Sperry Univac Corporation of New York, NY.

MC 152508 (Sub-1), filed March 25, 1982. Applicant: DIXIE EXCURSIONS, P.O. Box 4038, Opelika, AL 36801. Representative: David L. Elam, 503 Dumas Dr., Auburn, AL 36830, 205–887–6294 or 5356. Transporting *passengers and their baggage* in the same vehicle with passengers in special and charter operations, limited to the transportation of not more than 20 passengers (excluding the driver) between points in AL and GA on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, SC, and TN.

MC 159549, filed March 30, 1982. Applicant: DAVID A. MEENGS; 15358 Riley St.. Holland, MI 49423. Representative: D. Richard Black, Jr., 285 James St., P.O. Box 638C, Holland, MI 49423, 616–399–3400. Transporting *heating and cooling systems,* between points in the U.S. under continuing contract(s) with Hart and Cooly Manufacturing Company, a division of Interpace, Inc. of Holland, MI.

MC 160498, filed March 31, 1982. Applicant WENDELL MOORE, d.b.a. WESTERN DRAY LINES, Rural Route 4, Winona, MN 55987. Representative: Edward H. Instenes, P.O. Box 676, Winona, MN 55987 507–454–3914. 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 161049 (Sub-1), filed March 29, 1982. Applicant: J. P. ROUTHIER & SONS, INC., 256 Ayer Rd., Littleton, MA 01460. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, 413–781–8205. Transporting *concrete products,* between points in MA, on the one hand, and, on the other, points in ME and NH.

MC 161218, filed March 26, 1982. Applicant: FLYING T TRUCKING, INC., 160 Middleboro Rd., East Freetown, MA 02717. Representative: Christopher G. Townsend III, 18925 Pine Ridge Lane, Germantown, MD 20874, 301–972–2870. Transporting (1) *lumber and wood products,* (2) *building materials* (except lumber and wood products), under continuing contract(s) with Shepard & Morse Lumber Co. of Weston, MA, and (3) *metal products,* under continuing contract(s) with Odyssey Building Systems, Inc. of Avon, MA. between points in the U.S.

MC 161288, filed March 30, 1982. Applicant: VAN CHAMBERS, d.b.a. CHAMBERS TRUCKING, 309 S. 200 East, Enterprise, UT 84725. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, 213–945–3002. Transporting *such*

commodities as are dealt in or used by retail furniture stores, between points in the U.S. (except AK and HI) under continuing contract(s) with Ethan Allen, Inc. of Danbury, CT.

MC 161299, filed March 29, 1981. Applicant: ENTERPRISE TRANSIT CORP., E–15 Pleasant Ave., Paramus, NJ 07652. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, (201) 322–5030. Transporting *passengers and their baggage*, in the same vehicle with passengers, (a) in charter operations, beginning and ending at points in Bergen, Essex, Hudson, Morris, and Passaic Counties, NJ, on the one hand, and, on the other, points in the U.S., and (b) in special operations, between points in Bergen, Essex, Hudson, Morris, and Passaic Counties, NJ, on the one hand, and, on the other points in Rockland, Orange, and Westchester Counties, NY, and New York, NY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–10642 Filed 4–19–82; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub–112)]

Consolidated Rail Corp.; Exemption for Contract Tariffs ICC–CR–C–0061 Through 0071

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariffs 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:
Consolidated Rail Corporation (Conrail) filed a petition on March 31, 1982 seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). Petitioner requests that we permit certain contract tariffs (ICC–CR–0061 through 0071) to become effective on one day's notice. The tariffs were filed to become effective on April 30, 1982. The tariffs involve grain and grain products. In addition, petitioner seeks an exemption of future similar contract tariffs.

The underlying transportation contracts involve Conrail, the New York, Susquehanna & Western Railway Corporation (NYS&W), and various shippers located on: (1) Lines between Utica and Binghamton, NY; and (2) between Binghamton and Syracuse, NY. Conrail intends to abandon the lines and has an agreement to transfer them to the NYS&W's parent, Delaware Otsego Corporation (DOS). The transfer of lines is currently being considered in Finance Docket No. 29867, *Delaware Otsego Corporation—Exemption From 49 U.S.C. 10762(c), 10901, 11301 and 11343* (filed February 26, 1982).

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted in part. Conrail does not participate in joint rates on grain and grain products. However it seeks to extend its tariffs to shippers located on the lines being transferred to the NYS&W. The specified transportation contracts on file are intended to maintain the rate structure and continuity of service for shippers on the affected lines. They serve for the benefit of all involved. We find this to be the type of circumstances which warrants a provisional exemption. Since Conrail's transfer of lines to NYS&W and DOS has not been approved, our action is contingent upon approval of the transfer in Finance Docket No. 29867, *supra.*

The petition shall be otherwise denied. Conrail's request for exemption of future contract tariffs is neither appropriate no desirable.

Petitioner's contract tariffs ICC–CR–C–0061 through 0071 may become effective on one day's notice, subject to the approval of Conrail's transfer of lines in Finance Docket No. 29867, *supra.* We will also apply the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

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

(49 U.S.C. 10505)

Dated: April 13, 1982.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Gresham did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–10644 Filed 4–19–82; 8:45am]

BILLING CODE 7035–01–M

[I.C.C. Order No. 81; Service Order No. 1344]

Consolidated Rail Corp., et al; Rerouting or Diversion of Traffic

To: Consolidated Rail Corporation; Michigan Interstate Railway Company; Chesapeake and Ohio Railway; Grand Trunk Western Railroad Company; Michigan Northern Railway Company; Green Bay and Western Railroad Company; Chicago and North Western Transportation Company; Soo Line Railroad Company; Norfolk and Western Railway Company, and Detroit, Toledo and Ironton Railroad Company.

In the opinion of J. Warren McFarland, Agent, the Ann Arbor Railroad System (Michigan Interstate Railway Company—Operator) is unable to transport traffic over its line north of Ann Arbor, Michigan, and to Kewaunee and Manitowoc, Wisconsin, via Frankfort, Michigan, due to the termination of its Designated Operator agreement with the State of Michigan. This matter is considered to be outside the scope of a single railroad as provided by Ex Parte No. 376, and therefore, requires this action by the Commission.

It is ordered:

(a) *Rerouting traffic.* The Ann Arbor Railroad System (AA) (Michigan Interstate Railway Company—Operator) being unable to transport traffic over its line north of Ann Arbor, Michigan, and to Kewaunee and Manitowoc, Wisconsin, via Frankfort, Michigan (See Embargo AA 2–82, T.D. Sheet No. 90, 4/5/82), due to the termination of its Designated Operator agreement with the State of Michigan, that line's connections are authorized to divert or

reroute any traffic destined to or via the points indicated. This authority cancels Ann Arbor Reroute Order AA 1–82, T.D. Sheet No. 17, 3/17/82. Further, this authority shall be in effect pending the outcome of current court actions, and at least until notification by a lawfully designated operator has been given to carriers authorized to reroute traffic, the Association of American Railroads, and this Commission, of the resumption of operations over the affected lines. Upon such notification, the Commission will vacate its order to the extent operations are resumed. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:00 p.m., April 7, 1982.

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1982, unless otherwise modified, amended or vacated.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 7, 1982.

Interstate Commerce Commission.

J. Warren McFarland,

Agent.

[FR Doc. 82-10645 Filed 4-19-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Labor Research Advisory Council Committees; Meetings and Agenda

The regular spring meetings of committees of the Labor Research Advisory Council will be held on May 11, 12, and 13 in Room N–5437, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

Tuesday, May 11

9:45 a.m.—Committee on Occupational Safety and Health Statistics

1. Budget situation
2. Review of methods to derive occupational illness estimates
3. Proposed recordkeeping exemptions
4. Exogenous factors regarding occupational injuries
5. OSHA's proposed voluntary protection program

Tuesday, May 11

1:30 p.m.—Committee on Wages and Industrial Relations

1. Work in progress
2. Organizational structure of wage and industrial relations programs
3. Issuance of index numbers for the Employment Cost Index

Wednesday, May 12

9:30 a.m.—Committee on Foreign Labor and Trade

General discussion of foreign labor and economic statistics programs

Wednesday, May 12

1:30 p.m.—Committee on Productivity, Technology and Economic Growth

1. General discussion of productivity programs
2. Analysis of employment related to defense expenditures
3. Machinists shortages

Thursday, May 13

9:30 a.m.—Committee on Employment Structure and Analysis

1. Program status and budget reductions
2. Report on ongoing programs
   (a) Employment related economic hardship and quarterly earnings
   (b) Current Population Survey redesign
   (c) 790 program redesign
3. Local area unemployment statistics issues
4. Report on new initiatives
   (a) Understanding the process of job creation
   (b) Analysis of impact of defense expenditures by industry
5. Other Business

Thursday, May 13

1:30 p.m.—Committee on Prices and Living Conditions

1. The budget situation
2. Consumer Price Index program review
3. Producer Price Index program review
4. International Prices program review
5. Consumer Expenditures/Family Budget review

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 272–5239.

Signed at Washington, D.C. this 12th day of April 1982.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 82-10781 Filed 4-19-82; 8:45 am]

BILLING CODE 4510-24-M

Mine Safety and Health Administration

[Docket No. M–81–227–C]

Golden Age Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Golden Age Coal Company, Box 260, Bypro, Kentucky 41612 has filed a petition for modification of 30 CFR 75.1100–1(a) (type and quality of firefighting equipment) to its No. 1 Mine located in Floyd County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follow:

1. The petition concerns the requirement that waterlines be capable of delivering 50 gallons of water per minute at a nozzle pressure of 50 pounds per square inch.

2. There is pool of water present underground at all times with a permanent pump installed in it. Petitioner has installed a "tee" device in the waterline to pump excess water to the outside daily. Using a series of valves, this water can be directed into the present 2 inch waterline in the belt entry by opening one valve and closing another. Repeated tests indicate that this entire operation takes less than 2 minutes. Petitioner will continue to make such tests on a weekly basis.

3. Petitioner states that the procedure outlined above is an alternative method that provides the same degree of safety as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 20, 1982. Copies of the petition are available for inspection at that address.

Dated: April 12, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-10782 Filed 4-19-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-29-C]

Laurel Run Mining Co., Petition for Modification of Application of Mandatory Safety Standard

Laurel Run Mining Company, Star Route, Box 425, Mt. Storm, West Virginia 26739 has filed a petition to modify the application of 30 CFR 49.6(a)(1) (equipment and maintenance requirements; mine rescue teams) to its mine (I.D. No. 46-02845) located in Grant County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each mine rescue station be provided with twelve self-contained oxygen breathing apparatus, each with a minimum of two hours capacity, and any necessary equipment for testing such breathing apparatus.

2. As an alternative method, petitioner proposes that its mine be equipped with six self-contained oxygen breathing apparatus rather than the twelve required by the standard. In support of this request, petitioner states that:

a. There is one six-person mine rescue team fully equipped at the mine;

b. There is an agreement with Island Creek Coal Company, which has three full equipped mine rescue teams located 15 minutes from petitioner's mine, to provide back-up in the event of an emergency; and

c. Island Creek's mine rescue team will provide all necessary equipment including the necessary additional self-contained oxygen breathing apparatus.

3. Petitioner states that this proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 20, 1982. Copies of the petition are available for inspection at that address.

Dated: April 12, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-10783 Filed 4-19-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-258-C]

Tram Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Tram Coal Company, P.O. Drawer A & B, Harold, Kentucky 41635 has filed a petition to modify the application of 30 CFR 75.306 (weekly ventilation examinations) to its Mine No. 35-2 (I.D. No. 15-12468) located in Floyd County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the volume of air be measured weekly at specified points.

2. The average height of the coal seam is 66 inches. There have been occassional small roof falls in the aircourse but these falls have had no effect on the quality or quantity of air. These falls are easily passable but could be dangerous for constant or regular travel. Rehabilitation of the aircourse would require taking out stoppings on a belt line, and removing the belt, timbering and headings—all hazardous work.

3. As an alternative method which will provide the same degree of safety for miners affected as that afforded by the standard, petitioner proposes to monitor air at various specified mandoors opening into the aircourse and at the face of the aircourse. This method can determine the amount of air reaching the face to insure that sufficient quantity and quality of air are present for employee safety.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arington, Virginia 22203. All comments must be postmarked or received in that office on or before May 20, 1982. Copies of the petition are available for inspection at that address.

Dated: April 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-10784 Filed 4-19-82; 8:45 am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

[Application No. D-3169]

Proposed Exemption for a Certain Transaction Involving the Michael Whittle, M.D., P.C.; Money Purchase Pension Plan Trust Located in Albany, Georgia

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of stock to the Michael Whittle, M.D., P.C. Money Purchase Pension Plan (the Plan) by Dr. Michael Whittle (Dr. Whittle), a disqualified person with respect to the Plan. Since Dr. Whittle is the sole stockholder of Michael Whittle, M.D., P.C. (the Employer), and the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under

Title II of the Act pursuant to section 4975 of the Code. The proposed exemption, if granted, would affect Dr. Whittle and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before May 20, 1982.

EFFECTIVE DATE: If the proposed exemption is granted, it will be effective October 12, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–3169. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of Dr. Whittle, pursuant to section 4975(c)(2) of the Code, and in accordance with procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722. Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a money purchase pension plan with one participant, Dr. Whittle. Dr. Whittle is also the sole trustee of the Plan.

2. On September 22, 1978, Dr. Whittle individually purchased 500 shares of Class A Special Stock (the Stock) from Pathologists' Service Professional Associates, Inc. (PSPA) for $1,400. PSPA was incorporated in 1971 under the laws of Georgia and is located in Tucker, Georgia. PSPA is engaged in the business of providing chemical laboratory services to hospital laboratories, other licensed laboratories, and industrial accounts located primarily in the southeastern United States.

3. PSPA has experienced tremendous growth in sales and net profits, and by 1981 had become an attractive acquisition prospect for the SmithKline Corporation (SmithKline), a large multi-national corporation primarily engaged in manufacturing and marketing a variety of drugs, ophthalmic products, electronic instruments and providing other health care related services including the operation of clinical laboratories.

4. Conferences between representatives of SmithKline and PSPA resulted in a proposed merger between the two corporations. This merger was communicated to shareholders of PSPA, including Dr. Whittle, by proxy statement dated September 25, 1981, which detailed the terms and conditions of the proposed merger and called a special meeting of the shareholders for October 14, 1981 to consider the merger. The proxy statement indicated that the merger had the unanimous support of the Board of Directors of PSPA and recommended shareholder approval.

5. Dr. Whittle desired to sell the Stock to the Plan. On October 12, 1981, Dr. Whittle designated the First National Bank of Albany, Georgia (the Bank) as an independent investment advisor to review the proposed sale on behalf of the Plan. The Bank reviewed the proposed sale and recommended the purchase of the Stock at the price of $2.80 per share as an excellent investment for the Plan in light of the impending merger. Upon receiving the evaluation from the Bank, Dr. Whittle sold his 500 shares of the Stock to the Plan for $1,400, his original purchase price.

6. On November 3, 1981, PSPA merged with SmithKline Georgia Corporation, a wholly-owned subsidiary of SmithKline. The terms of the merger provided that each share of PSPA would be exchanged for a SmithKline note in the principal amount of $69.18. The Plan will receive the principal amount of $34,590 which bears interest at the rate of 10% per annum compounded yearly and becomes payable on November 3, 1986. The Plan's note will have a maturity value of $55,704.54 in five years. SmithKline's payment of such principal and interest has been secured by an irrevocable letter of credit issued by Girard Bank, Philadelphia, Pennsylvania.

7. In summary, the applicant represents that the transaction meets the statutory criteria for an exemption under section 4975(c)(2) of the Code because: (1) The Plan paid no more than the fair market value of the Stock; (2) the Plan will realize a large gain in five years which is fully secured by an irrevocable letter of credit from an unrelated bank; (3) the only Plan participant affected by the transaction was Dr. Whittle, and he desired and caused the transaction to be consummated; and (4) before the transaction was consummated, an independent investment advisor reviewed the proposed transaction and found it appropriate for the Plan and in the Plan's best interests.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

Notice of Interested Persons

Because Dr. Whittle is the only participant in the Plan and the sole shareholder of the Employer, it has been determined that there is no need to distribute the notice of pendency to interested persons.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the October 12, 1981 sale of the Stock by Dr. Whittle to the Plan for $1,400, provided that this amount was not higher than the fair market value of the Stock on the date of sale.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this proposed exemption.

Signed at Washington, D.C., this 6th day of April, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–10786 Filed 4–19–82; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–2936]

Proposed Exemption for Certain Transactions Involving the Caldwell and Fisher Keogh Plan; Located in Jackson, Tennessee

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the past sale of common stock (the Stock) by the Caldwell and Fisher Keogh Plan (the Plan) to Raleigh Fisher, a disqualified person with respect to the Plan. Mr. Fisher is also an owner-employee with respect to the Plan as defined in section 401(c)(3) of the Code, due to his 50% ownership of Caldwell and Fisher, the Plan sponsor. Section 408(d)(3) of Title I of the Act provides that the Department lacks authority to grant an exemption under section 408(a) of the Act for the sale of any property by a plan to an owner-employee. Therefore the Department cannot grant an exemption under Title I for the sale of the Stock. However, there is jurisdiction under Title II of the Act, pursuant to section 4975 of the Code. The proposed exemption, if granted, would affect the Plan and Mr. Fisher.

DATES: Written comments and requests for a public hearing must be received by the Department on or before June 7, 1982.

EFFECTIVE DATE: The effective date of the proposed exemption, if granted, would be July 31, 1979.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–2936. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Department, telephone (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Plan trustee (the Trustee), the First National Bank of Jackson, pursuant to section 4975(c)(2) of the Code and in accordance with procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722. Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a money purchase pension plan with six participants. At the time of the sale of the Stock to Mr. Fisher, the Plan had net assets of approximately $100,000. Mr. Fisher and his wife each owned a 50% interest in Caldwell and Fisher, the Plan sponsor. Mr. Fisher was authorized to make investment decisions on behalf of the Plan.

2. At the end of 1979, Mr. Fisher planned to retire. Because he felt that the Stock would not be as closely or carefully monitored after his retirement, Mr. Fisher directed the Trustee to sell the Stock to him at its market value. The Trustee verified the market value by securing price quotes on the dates of sale of the Stock from J. C. Bradford & Co., an independent stockbroker. On July 31, 1979, Mr. Fisher purchased 30 shares of Minnesota, Mining and Manufacturing from the Plan. On January 10, 1980, Mr. Fisher purchased the following shares of Stock from the Plan: 58 shares of American Telephone and Telegraph; 150 shares of Exxon; 25 shares of General Electric; 48 shares of

International Business Machines; 30 shares of Minnesota, Mining and Manufacturing; and 71 shares of Warner Lambert Co. All of the sales were for cash and there were no commissions involved with any of the sales.

3. The total sales price of the Stock was $20,043.25 and the Plans' cost basis in the Stock was $21,070.03, resulting in a net loss to the Plan of $1,026.78. Because Mr. Fisher did not want his common-law employees to suffer this loss, he directed the Trustee to deduct the full amount of the loss from his vested interest in the Plan.

4. In summary, the application represents that the transaction satisfied the statutory criteria of section 408(a) due to the following:

(a) the Trustee represents that the sale of the Stock was in the best interests of and protective of the Plan and of its participants and beneficiaries;

(b) the sales price of the Stock was based upon a price quote on the date of sale from an independent stockbroker;

(c) the sales were for cash and no commissions were charged; and

(d) the Plan's loss from the sale of the Stock was deducted solely from Mr. Fisher's vested interest.

Notice to Interested Persons

Notice of the proposed exemption will be mailed by first class mail to all interested persons including all Plan participants and beneficiaries within 15 days of the publication of the proposed exemption in the **Federal Register**. The notice will include a copy of the **Federal Register** Notice and will inform each recipient of his right to comment on or request a hearing regarding the proposed exemption.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exlusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 4975(F) of the Code;

(3) Before an exemption may be granted under section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply, effective July 31, 1979, to the sale of the Stock by the Plan to Raleigh Fisher, provided that the sales price of the Stock represented at least the market value of the Stock at the time of sale.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions that are the subject of this exemption.

Signed at Washington, D.C., this 8th day of April, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–10785 Filed 4–19–82; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–447 and Application No. D–1903]

Proposed Amendments to Prohibited Transaction Exemption 77–9

Corrections

In FR Doc. 82–9167 appearing on page 14808 in the issue of Tuesday, April 6, 1982, make the following changes:

1. On page 14808, second column, first full paragraph, third line from the bottom, "***4***" should read "***44***".

2. On page 14809, first column, twelfth line from the botton, insert quotation marks before "(t)he" and in the ninth line from the bottom, "***and***" should read "***an***"; second column, third line from the top, insert quotation marks after "plan."; and in the second full paragraph, second line from the bottom, the period after "services" should be a comma.

BILLING CODE 1505–01–M

Office of Secretary

Services Sector Subcommittee of the Labor Advisory Committee for Trade Negotations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub L. 92–463 as amended), notice is hereby given of the meeting of the Services Sector Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: May 6, 1982, 10:00 a.m., N3437 A, B, C, & D Frances Perkins, Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Joseph S. Papovich, Executive Secretary, Labor Advisory Committee, Phone: (202) 523–6171, April 13, 1982.

Signed at Washington, D.C. this 13th day of April 1982.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 82–10787 Filed 4–19–82; 8:45 am]

BILLING CODE 4510–28–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Metal Components; Meeting Cancellation

The ACRS Subcommittee on Metal Components scheduled for April 29, 1982, Washington, D.C. has been cancelled. The meeting has been tentatively scheduled for May 18, 1982.

Dated: April 15, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-10715 Filed 4-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-313]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. DPR-51, issued to Arkansas Power and Light Company (the licensee), which revised the Technical Specifications (TSs) for operation of Arkansas Nuclear One, Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment revised the TSs to reflect changes in the Health Physics Section organization and a change in terminology.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application for amendment dated October 8, 1981, (2) Amendment No. 64 to License No. DPR-51, 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 Arkansas Tech University, Russellville, Arkansas. 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 5th day of April 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-10706 Filed 4-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Facility Operating License No. DPR-35 issued to Boston Edison Company (the licensee) which revised the Technical Specifications for operation of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications pertaining to inservice surveillance and operability requirements of mechanical and hydraulic snubbers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since it does not involve a significant hazards consideration.

The Commission has determined that the issuance of the 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 be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated October 15, 1981, (2) Amendment No. 60 to License No. DPR-35, and (3) the Commission's letter to the licensee dated April 12, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Plymouth Public Library, North Street, Plymouth, Massachusetts 02360. 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 12th day of April 1982.

For The Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-10707 Filed 4-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-237 and 50-249]

Commonwealth Edison Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Provisional Operating License No. DPR-19 and Amendment No. 61 to Facility Operating License No. DPR-25, to Commonwealth Edison Company, which revised the Technical Specifications for operation of the Dresden Nuclear Power Station, Unit Nos. 2 and 3, respectively, located in Grundy County, Illinois. The amendments are effective as of their date of issuance.

The amendments modify the Technical Specifications to incorporate Limiting Conditions for Operation and Surveillance Requirements related to modifications to the fire protection system required by the March 22, 1978 Safety Evaluation Report by the Commission's staff.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in

connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated October 21, 1980, and its supplements dated June 12, 1981 and February 17, 1982, (2) Amendment No. 69 to Provisional Operating License No. DPR–19 and Amendment No. 61 to Facility Operating License No. DPR–25, and (3) the Commission's related Safety Evaluation published on March 22, 1978. All of these items are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois. 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 12th day of April 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82–10708 Filed 4–19–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR–61, issued to Connecticut Yankee Atomic Power Co. (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (facility) located in Middlesex County, CT. This amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to reflect editorial revisions to section 3.6 and organizational title changes.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 4, 1982, (2) Amendment No. 48 to License No. DPR–61, and (3) the letter of transmittal, which contains the Commission's 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 Russell Library, 119 Broad Street, Middletown, Connecticut 16457. 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 13th day of April 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82–10709 Filed 4–19–82; 8:45 am]

BILLING CODE 7590–01–M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information neded by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, WM 013–4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Standard Format and Content of Environmental Reports for Near-Surface Disposal of Redioactive Waste" and is intended for Division 4, "Environmental and Siting." It is being developed to identify the information needed by the NRC staff in its assessment of the potential environmental effects of a proposed land disposal facility and to establish a format acceptable to the staff for its presentation.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by June 21, 1982.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Silver Spring, Md. this 14th day of April 1982.

For the Nuclear Regulatory Commission.

F. J. Arsenault,

Director, Division of Health, Siting, and Waste Management, Office of Nuclear Regulatory Research.

[FR Doc. 82–10714 Filed 4–19–82; 8:45 am]

BILLING CODE 7590–01–M

[Dockets Nos. 50–269, 50.–270 and 50–287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 111, 111 and

108 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise the TSs to support full power operation of Oconee 2 during fuel Cycle 6.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and that Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and the pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 13, 1981, as supplemented March 24, 1982, (2) Amendments Nos. 111, 111, and 108 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, 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 Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. 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 8th day of April 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-10710 Filed 4-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270, and 50-287]

Duke Power Co.; Granting Relief From ASME Code Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," to Duke Power Company, which revised the inservice inspection program for the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The ASME Code requirements are incorporated by reference into the Commission's Rules and Regulations in 10 CFR Part 50. The reliefs are effective as of the date of issuance.

This action provides relief from performing various Code required inspections of welds and vessel cladding.

The requests for relief comply 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 letter granting relief.

The Commission has determined that the granting of these reliefs will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the requests for relief dated June 1, 1981, July 13, 1981 and March 11, 1982, (2) the letter to Duke Power Company dated April 8, 1982, and (3) the Commission's related Evaluation of Relief Requests. 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 Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. 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 8th day of April 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactor Branch No. 4, Division of Licensing.

[FR Doc. 82-10711 Filed 4-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-387 OL and 50-388 OL]

Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc., (Susquehanna Steam Electric Station, Units 1 and 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this operating license proceeding to consist of the following members:

Thomas S. Moore, Chairman
Dr. John H. Buck
Stephen F. Eilperin.

Dated: April 13, 1982.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 82-10712 Filed 4-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications (TSs) for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

This amendment modifies the TSs concerning containment isolation signals for the reactor coolant pump seal injection and return lines and for the reactor coolant system makeup line.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice

of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact apprisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 23, 1979, (2) Amendment No. 44 to License No. NPF–3, and (3) the Commisssion'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, DC, and at the William Carlson Library, University of Toledo, 2801 Bancroft Avenue, Toledo, Ohio 43606. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of April 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No.4, Division of Licensing.

[FR Doc. 82–10713 Filed 4–19–82; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Human Factors; Meeting

The ACRS Subcommittee on Human Factors will hold a meeting on May 5, 1982, Room 1167, 1717 H Street, NW., Washington, DC. The Subcommittee will meet with the NRC regulatory staff and experts from outside NRC to discuss SECY–82–111, "Requirements for Emergency Response Capability."

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recording will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statement.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, May 5, 1982—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time all allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. David Fischer (telephone 202/634–1413 between 8:15 A.M. and 5:00 P.M., EST.

Dated: April 16, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–10805 Filed 4–19–82; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Proposed Revision to Circular No. A–119, "Federal Participation in the Development and Use of Voluntary Standards; Invitation for Public Comment

April 13, 1982.

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget.

ACTION: Request for comments on proposedd revision to OMB Circular No. A–119, "Federal Participation in the Development and Use of Voluntary Standards."

SUMMARY: OMB Circular No. A–119 was issued on January 17, 1980, following several years of development. Its principal purposes were to promote Federal agency use of voluntary (or industry) in procurement, encourage Federal agency participation in voluntary standards-developing bodies and to increase the coordination of Federal efforts in standards development. The Circular provided, in addition, that Federal participation would be limited to those voluntary standards bodies which certified to the Secretary of Commerce that they adhere to certain "due process" criteria contained in the Circular. The Circular also provided that the Secretary of Commerce was to maintain a listing of such organizations, issued implementing procedures for agency use and establish a voluntary dispute resolution service to assist in resolving procedural complaints involving voluntary standards-development bodies.

On August 12, 1981, the President's Task Force on Regulatory Relief identified the Circular as a candidate for review to assure that it did not impose unnecessary burdensome or counterproductive requirements on the public or private sectors. We have completed an examination of the Circular in the light of this Administration's regulatory reform program and, also, in view of the many public and private sector comments received during the last several months. On the basis of that analysis a substantial revision of the Circular has been prepared for your review and comment.

The draft Circular contains four major revisions, in addition to numerous clarifications and corrections. The major changes include:

- Elimination of the "due process" criteria and the requirement that voluntary standards bodies adhere to those criteria as a prerequisite to Federal participation;
- Expansion of the scope of the Circular to encourage Federal use of voluntary standards for regulatory and other purposes—not just procurement usage;
- Elimination of the provisions relating to establishment of a voluntary dispute resolution service; and
- Elimination of requirements that called upon the Secretary of Commerce to maintain a list of certifying voluntary standards bodies and to issue implementing procedures for agency use.

The effect of the proposed revision is to remove the unnecessary strictures and burdens which the Circular had imposed on both agencies and the private sector. The Circular is no longer a major rule as defined in Executive Order 12291 since it will not have a $100 million (or greater) effect on the economy, will not result in major increases in price or cost and will not have adverse effects on employment, investment, productivity, innovation of competition.

DATE: Comments must be received on or before June 21, 1982.

ADDRESS: Comments should be submitted to the Administrator, Office of Federal Procurement Policy, Office of Management and Budget, Room 9001, New Executive Office Building, 726 Jackson Place NW, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Mr. David F. Baker, Office of Federal Procurement Policy, (202) 395–7207.

Donald E. Sowle,
Administrator.

Circular No. A–119 Revised

To The Heads Of Executive Departments and Establishments

Subject: Federal Participation in the Development And Use of Voluntary Standards

1. *Purpose.* This Circular establishes policy to be followed by executive branch agencies in working with organizations which plan, develop, produce, or coordinate voluntary standards for materials, products, systems, services, processes, and practices. It also establishes policy to be followed by executive branch agencies in adopting and using such standards.

2. *Rescissions.* This Circular supersedes OMB Circular No. A–119, subject as above, dated January 17, 1980, which is rescinded.

3. *Background.* The Federal Government performs many functions which involve the use of products and services that depend upon reliable standards. Many standards for such products and services, appropriate or adaptable for the Government's purposes, are developed and are available from certain private organizations, known as voluntary standards bodies. Federal participation in the standards-related activities of these voluntary bodies provides incentives and opportunities to establish standards that serve national needs. In addition, it is anticipated that Federal adoption of voluntary standards, whenever practicable and appropriate, will reduce the cost of developing and using standards and, thereby, will serve the public interest. Federal adoption of such standards, moreover, is consistent with, and in furtherance of, the Federal Government's general policy of relying upon the private sector to supply Government needs for goods and services, as enunciated in OMB Circular No. A–76.

4. *Coverage.* This Circular applies to all executive branch agency participation in voluntary standards activities, both domestic and international, but does not apply to United States participation in multinational standards activities pursuant to treaties and international standardization agreements.

5. *Definitions.* As used in this Circular:

a. *Executive agency* (hereinafter referred to as "agency") means an executive department, independent commission, board, bureau, office, agency, Government-owned or controlled corporation or other establishment of the Federal Government, including regulatory commission or board. It does not include the legislative or judicial branches of the Federal Government.

b. *Standard* means a prescribed set of rules, conditions, or requirements concerned with the definition of terms; classification of components; delineation of procedures; specification of dimensions, materials, performance, design, or operations; measurement of quality and quantity in describing materials, products, systems, services, or practices; or descriptions of fit and measurement of size.

c. *Voluntary standards* are established generally by private sector bodies and are available for use by any person or organization, private or governmental. The term includes what are commonly referred to as "industry standards" as well as "consensus standards" but does not include professional standards of personal conduct, institutional codes of ethics, private standards of individual firms, or standards mandated by law, such as those contained in the United States Pharmacopeia and the National Formulary, as referenced in 21 U.S.C. 351.

d. *Government standards* include in-house and agency standards and specifications as well as Federal and Military standards and specifications.

e. *Voluntary standards bodies* are nongovernmental bodies which are multi-member, domestic and multinational organizations including, for example, nonprofit organizations, industry and other associations, professional and technical societies, institutes, groups and recognized test laboratories which develop, establish, or coordinate voluntary standards.

f. *Standards-developing groups* are committees, boards, or any other principal subdivisions of voluntary standards bodies, established by such bodies for the purpose of developing, revising, or reviewing standards and which are bound by the procedures of those bodies.

g. *Secretary* means the Secretary of Commerce or that Secretary's designee.

6. *Policy.* It is the general policy of the Federal Government in its procurement and regulatory activities to:

a. Rely on voluntary standards both domestic and international whenever feasible and consistent with law and regulation pursuant to law;

b. Participate in voluntary standards bodies when such participation is in the public interest and is compatible with agencies' missions, authorities, priorities, and budget limitations; and

c. Coordinate agency participation in voluntary standards bodies so that (1) the most effective use is made of Federal agency resources and representatives; and (2) the views expressed by such representatives are in the public interest and, as a minimum, do not conflict with the interests and established views of Federal agencies.

7. *Policy Guidelines.* In implementing the policy established by this Circular, agencies should recognize the positive contribution of standardization and related activities. When properly conducted, standardization can increase productivity and efficiency in industry, expand opportunities for international trade, conserve resources, and improve health and safety. It also must be recognized, however, that these activities, if improperly conducted, could suppress free and fair competition, impede innovation and technical progress, exclude safer and less expensive products, or otherwise adversely affect trade, commerce, health, or safety. Full account shall be taken of the impact on the economy, applicable Federal laws, policies, and national objectives including, for example, laws and regulations relating to antitrust, national security, small business, product safety, environment, and conflicts of interest. It should also be noted, however, that the provisions of this Circular are not intended to create delay in the administrative process or provide new grounds for judicial review. The following policy guidelines are established to assist and govern implementation of the policy enunciated in paragraph 6.

a. *Reliance on Voluntary Standards.*

(1) Voluntary standards that will serve agencies' purposes and are consistent with applicable laws and regulations should be adopted, in whole or in part, and used by Federal agencies in the interests of greater economy and efficiency, unless they are specifically prohibited by law from doing so.

(2) Voluntary standards should be given preference over in-house standards in the absence of mandatory Government standards unless use of such voluntary standards would result

in impaired functional performance, unnecessary cost to the Government or the Nation, anticompetitive effects or other significant disadvantages. Agencies responsible for developing Government standards should periodically review their existing standards and cancel those for which an adequate and appropriate voluntary standard can be substituted.

(3) In adopting and using voluntary standards, preference should be given to those based on performance criteria when such criteria may reasonably be used in lieu of design, material, or construction criteria.

(4) Voluntary standards adopted by Federal agencies will be cited, along with their dates of issuance and source of availability, in appropriate publications, regulatory orders, and related in-house documents.

(5) Agencies will not be inhibited, if within their statutory authorities, from developing and using Government standards in the event that voluntary standards bodies cannot or do not develop a standard needed by, and acceptable to, these agencies or do not do so in a timely fashion. Nor shall the policies contained in this Circular be construed to commit any agency to the use of a voluntary standard which, after due consideration, is, in its opinion, inadequate, does not meet statutory criteria, or is otherwise inappropriate for the agency concerned.

b. *Participation in Voluntary Standards Bodies.*

(1) Participation by knowledgeable Federal employees in the standards activities of voluntary standards bodies and standards-developing groups should be actively encouraged and promoted by Federal agency officials when such participation is consistent with the provisions of paragraph 6b.

(2) Federal employees who, at Government expense, participate in standards activities of voluntary standards bodies and standards-developing groups will do so as Federal agency representatives and, as such, must be authorized to participate by appropriate agency officials.

(3) Federal agency participation in voluntary standards bodies and standards-developing groups will not, of itself, connote agency agreement with, or endorsement of, decisions reached by such bodies and groups or of standards approved and published by voluntary standards bodies.

(4) Participation by Federal agency representatives should be aimed at contributing to the development of voluntary standards which will eliminate the necessity for development of Government standards.

(5) Federal agency representatives serving as members of standards-developing groups should participate actively and on a basis on equality with private sector representatives in the standards activities of those groups. In doing so, Federal representatives should not seek to dominate such groups. Active participation is intended to include full involvement in discussions and technical debates, registering of opinions and, if selected, serving as chairpersons or in other official capacities on such groups. Federal agency representatives may vote at each stage of standards development unless specifically prohibited from doing so by the head of the agency or that official's designee.

(6) The number of individual Federal agency participants in a given voluntary standards activity shall be kept to the minimum required for effective presentation of the various program, technical, or other concerns of Federal agencies.

(7) The providing of Federal support to a voluntary standards activity shall be limited to that which is clearly in furtherance of an agency's mission and responsibility. Normally, the total amount of Federal support given shall be no greater than that of all non-Federal participants in that activity except where it is in the direct and predominant interest of the Federal Government to develop a needed standard or revision thereto and such development appears unlikely to occur in the absence of such Federal support. The form of agency support, subject to legal and budgetary authority, may include:

(a) Direct financial support; e.g., grants, sustaining memberships, and contracts;

(b) Administrative support; e.g., travel costs, hosting of meetings, and secretarial functions;

(c) Technical support; e.g., cooperative testing for standards evaluation and participation of agency personnel in the activities of standards-developing groups; and

(d) Joint planning with voluntary standards bodies to facilitate a coordinated effort in resolving priority standardization problems.

(8) Participation by Federal agency representatives in the policymaking process of voluntary standards bodies is encouraged—particularly in matters such as establishing priorities, developing procedures for preparing, reviewing, and approving standards, and creating standards-developing groups. In order to maintain the private, nongovernmental nature of such bodies, however, Federal agency representatives should refrain from decisionmaking involvement in the internal day-to-day management of such bodies (e.g., selections of salaried officers and employees, establishment of staff salaries and administrative policies).

(9) This Circular does not provide general guidance concerning the internal operating procedures that may be applicable to voluntary standards bodies because of their relationships to agencies under this Circular. Agencies should, however, carefully consider what laws or rules may apply in a particular instance because of these relationships. For example, these relationships may involve the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), or a provision of an authorizing statute for a particular agency. Agencies are best able to determine what laws and policies should govern particular relationships and to assess the extent to which competition may be enhanced and cost-effectiveness increased. Matters relating to anti-trust implications of such relationships may be addressed to the Attorney General.

8. *Responsibilities.*

a. The Secretary will:

(1) Coordinate and foster executive branch implementation of the policy in paragraph 6, and may provide administrative guidance to assist agencies to implement sections 8.b.(3) and 8.b.(5) of this Circular;

(2) Establish an interagency mechanism to assist in implementing the policy contained herein. That mechanism shall ensure that the views of all affected executive branch agencies are considered;

(3) Establish and maintain current, with the cooperation of Federal agencies, a register for all voluntary standards activities in which Federal agencies participate;

(4) Establish and maintain current, a comprehensive and consolidated listing, cross-referenced by subject, of standards developed by voluntary standards bodies and by Federal agencies. Such listing of standards developed by bodies other than Federal agencies shall not necessarily constitute Government endorsement thereof; and

(5) Report to the Office of Management and Budget concerning agency implementation of this Circular.

b. The heads of executive agencies concerned with standards and standardization activities will:

(1) Implement the policy in paragraph 6 of this Circular in accordance with the policy guidelines in paragraph 7 within 120 days of the issuance of this Circular;

(2) Establish appropriate procedures by which agency representatives participating in voluntary standards bodies and standards-developing groups will, to the extent possible, ascertain the views of the agency on matters of paramount interest and will, as a minimum, express views which are not inconsistent or in conflict with established agency views;

(3) Endeavor, when two or more agencies participate in a given voluntary standards body or standards-developing group, to coordinate the views of their respective agencies on matters of paramount importance so as to present a single, unified position reflective of the public interest. In instances where agreement is not reached by the affected agencies, such agencies will notify the Secretary who shall designate a lead agency. The lead agency will be responsible for developing a unified position on the important matter at issue. In so doing, that designated lead agency will consider carefully the views of the other participating Federal agencies;

(4) Cooperate with the Secretary in carrying out his responsibilities under this Circular; and

(5) Consult with the Secretary in the development and issuance of agency regulations implementing this Circular, and submit, in response to the request of the secretary, reports on the status of agency interaction with voluntary standards bodies.

9. *Reporting Requirements.* Three years from the date of issuance of this Circular, and each third year thereafter, the Secretary will submit to the Office of Management and Budget a brief, summary report on the status of Federal interaction with voluntary standards bodies. As a minimum, the report will include the following information:

a. The nature and extent of Federal agency participation in, and support of, voluntary standards bodies; and

b. An evaluation of the effectiveness of the policy promulgated in this Circular and recommendations for change or modification, as appropriate.

10. *Policy Reviews.* The policies contained in this Circular shall be reviewed for effectiveness by the Office of Management and Budget three years from the date of issuance.

11. *Inquiries.* For information concerning this Circular, contact the Office of Management and Budget, Office of Federal Procurement Policy, telephone 202/395-7207.

Director.

[FR Doc. 82-10613 Filed 4-19-82; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18640; SR-BSE-82-2]

Boston Stock Exchange, Inc.; Order Approving Proposed Rule Change

April 13, 1982.

The Boston Stock Exchange, Inc. ("BSE") One Boston Place, Boston, MA 02108, submitted on March 1, 1982, 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 Chapter II, Section 33 of the BSE Rules in order to increase from 399 shares to 599 shares the size of orders to be executed under the BSE's Guaranteed Execution System, and to change the basis of such execution to the best quote displayed on the Consolidated Quotation System, rather than the primary market quote.[1]

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. 18547, March 8, 1982) and by publication in the **Federal Register** (47 FR 10935, March 12, 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 Regulations pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 82-10633 Filed 4-19-82; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

April 13, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Cigna Corporation
Common Stock, $1 Par Value (File No. 7-6199)
$2.75 Cumulative Convertible Preferred Stock (File No. 7-6200)
Florida Progress Corporation
Common Stock, $2.50 Par Value (File No. 7-6201)
GEO International Corporation
Common Stock, $.10 Par Value (File No. 7-6262)
Greatwest Hospitals Incorporated
Common Stock, $.10 Par Value (File No. 7-6203)
*Hotel Investors Corporation
Common Stock, $.10 Par Value (File No. 7-6204)
*Hotel Investors Trust
Shares of Beneficial Interest, $1 Par Value (File No. 7-6205)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 4, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-10634 Filed 4-19-82; 8:45 am]

BILLING CODE 8010-01-M

[1] The Commission previously approved a BSE proposal to adopt identical amendments to the Guaranteed Execution System, on a 60-day pilot basis. Securities Exchange Act Release No. 18538 (March 5, 1982), 47 FR 10684 (March 11, 1982).

* The securities of these companies are paired securities and therefore will trade in tandem.

[Release No. 22454; 70-6722]

New England Power Co. and New England Energy Inc.; Proposed Issuance of Government Guaranteed Bonds to Finance Construction of a Coal Collier; Amendment to Time Charter

New England Power Company ("NEPCO"), 25 Research Drive, Westborough, Massachusetts 01581 and New England Energy Inc. ("NEEI"), subsidiaries of New England Electric System ("NEES"), a registered holding company, have filed an application-declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

By interim order dated February 13, 1981 (HCAR No. 21919, File No. 70-6518), this Commission authorized: (1) NEEI to participate in a joint venture with Keystone Shipping Company ("Keystone"), a subsidiary of Chas. Kurz & Co., Inc. ("Kurz"), for construction and operation of a collier to transport coal to NEPCO's plants; (2) NEES to guarantee the joint venture's performance under the vessel's construction contract ("Construction Contract"); and (3) NEES to advance to NEEI up to $5,000,000 for initial construction capital. Jurisdiction was reserved. On February 17, 1981, the joint venture entered into a contract with the General Dynamics Corporation, Quincy Shipbuilding Division for the construction of a coal collier with a capacity of 36,000 short tons of coal at an estimated cost of $69 million scheduled for delivery in April 1983. By Commission order dated December 9, 1981 (HCAR No. 22809, File No. 70-6518), this Commission authorized a 24½ year Time Charter between NEPCO and the joint venture of NEEI and Keystone and granted an exemption from the service at cost requirement of Section 13(b) of the Act. In accordance with a Commission order dated August 13, 1981 (HCAR No. 22146, File No. 70-6601), the joint venture entered into a credit agreement with Bank of America for a loan guaranteed jointly and severally by NEES and KURZ. The joint venture can borrow up to $20 million either by direct bank loans or by the issuance of commercial paper backed by a bank letter of credit. As of March 31, 1982, the joint venture had $12.1 million of commercial paper outstanding under this arrangement. The loan will be available until the delivery of the collier. It is expected that the loan will be repaid with the proceeds of the equity portion of the collier financing.

The joint venture proposes to issue and sell up to $52 million of bonds and/or notes guaranteed by the U.S. Government through the U.S. Maritime Administration ("MARAD", such bonds and/or notes being the "MARAD Bonds"). As security for its obligations, the joint venture will give to MARAD (i) assignments of the Construction Contract, the Time Charter and other contracts related to the collier and (ii) a first mortgage and security interest in the collier.

At this time, it is anticipated that the joint venture will issue and sell up to $52 million of long-term MARAD Bonds in early May of 1982. The proceeds of the MARAD Bonds will be used as required for the construction of the collier. Any proceeds of the MARAD Bonds not immediately needed by the joint venture will be held in escrow. Prior to delivery of the collier, the MARAD Bonds will call for interest payments only. Thereafter, they will require amortization over a period no greater than 24½ years through sinking fund redemption and/or serial maturities. The joint venture may issue only a portion of the MARAD Bonds in May, and the remainder at a date prior to delivery of the collier.

As a result of the U.S. Government guarantee, it is expected that the MARAD Bonds will have an effective interest cost (including the ½% guarantee fee paid to the U.S. Government) of approximately 150 to 225 basis points over the prevailing rate for U.S. Treasury issues of similar maturity. This translates into an effective interest cost of about 75 to 200 basis points below the cost for an equivalent issue of NEPCO General and Refunding Mortgage Bonds.

Alternatively, if the condition of the financial markets does not warrant issuing long-term MARAD Bonds, the joint venture will issue interim short-term MARAD Bonds, of six months to three years maturity, in such amounts and at such time as required for construction of the collier. When the financial markets appear more favorable, the joint venture will issue long-term MARAD Bonds, as described above, and retire the short-term MARAD Bonds.

The joint venture has retained First Boston Corporation to advise and assist in the sale of MARAD Bonds. It is contemplated that this sale will be made through a private placement to institutional investors with the assistance of First Boston. Alternatively, the sale may be effected through an underwritten offering.

The applicant-declarants also propose to amend the Time Charter to permit either a leveraged lease, as originally intended, or a Safe Harbor Lease. The Joint Venture Agreement provides that NEEI will arrange for the financing of the collier, with the concurrence of Keystone. It was originally expected that the permanent financing would be based on a leasing arrangement under which a lessor would purchase the collier from the joint venture and charter the collier to the joint venture under a Demise Charter, the maritime equivalent of a net lease. It was further anticipated that the lessor would finance the purchase of the collier with approximately 30% equity and 70% bonds guaranteed by the U.S. Government under Title XI of the Merchant Marine Act, 1936, as amended, and that the lessor would receive the benefits of investment tax credits and other tax benefits related to the collier. Charges payable by the joint venture under the Demise Charter would reflect the lessor's net cost of financing.

With the passage of the Economic Recovery Tax Act of 1981, there is an alternative to the Demise Charter, the so-called Safe Harbor Lease under Section 168(f)(8) of the Internal Revenue Code. Under a Safe Harbor Lease, the joint venture could, in effect, sell the tax benefits associated with the collier while retaining substantially all other rights in the collier, including legal title. The proceeds of such a sale could provide the equity portion of the financing of the collier. The joint venture is currently considering a Safe Harbor Lease, as an alternative to the Demise Charter, to provide the equity financing for the collier. In either event, the equity financing, timed to coincide with the delivery of the collier, will occur at a later date.

Another amendment to the Time Charter will change Section 43 of the Time Charter to clearly reflect that proceeds of subchartering, net of expenses of the joint venture, will be for the account of NEPCO. In addition, necessary changes are being made in the language of the Time Charter (a) to assure proper tax treatment of the financing of the collier, and (b) to clarify NEPCO's rights and obligations in the circumstances in which it is obligated to purchase the rights of the joint venture in the collier.

The applicant-declarants seek an exception from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5) to negotiate the sale through a private placement, or alternatively, an underwritten offering. It is stated that the proposed exception

is justified because (1) the terms and conditions, including interest rate, must be approved in advance by MARAD; (2) the market for MARAD bonds consist of a limited number of institutional investors, principally state pension funds; and (3) MARAD bonds have never been sold through competitive bidding. The joint venture proposes, and it is hereby authorized forthwith, (a) to negotiate with and select one or more underwriters for the proposed offering and (b) to negotiate the price and other terms upon which the securities will be issued to the public.

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 May 6, 1982, to the Secretary Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants 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 application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-10631 Filed 4-19-82; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Safeguard Scientifics, Inc; Order of Suspension of Trading

March 19, 1982.

It appearing to the Securities and Exchange Commission that there are questions concerning unusual market activity in the securities of Safeguard Scientifics, Inc. and questions concerning an accumulation of over fifty (50) percent of the company's outstanding securities by the principal of a broker-dealer and certain of its customers and the resulting potential impact on the market for Safeguard's securities, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Safeguard Scientifics, Inc. The Commission also orders the suspension because of the failure of such persons to make payments to various broker-dealers in connection with the acquisition and maintenance of such securities as requested.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that exchange and over-the-counter trading in the securities of Safeguard Scientifics, Inc. is suspended for the period from March 19, 1982 through March 28, 1982.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-10632 Filed 4-19-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2030; Amdt. No. 1]

Indiana; Declaration of Disaster Loan Area

The above numbered declaration (See 47 FR 16130) is amended in accordance with the President's declaration of March 20, 1982, to include De Kalb, La Porte and Marshall Counties within the State of Indiana. All other information remains the same; i.e., the termination dates for filing applications for physical damage is close of business on May 20, 1982, and for economic injury until the close of business on December 20, 1982.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 31, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82-10702 Filed 4-19-82; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2033; Amdt. No. 1]

Ohio; Declaration of Disaster Loan Area

The above numbered Declaration (See 47 FR 15474) is amended in accordance with the President's Declaration of March 26, 1982, to include the Village of Scott in Van Wert County and that portion of the City of Toledo south of the boundary commencing at the corporate limits easterly along airport Highway to the Conrail right of way, continuing east on the Conrail right of way to Route 2 and continuing east on Route 2 to the Maumee River in Lucas County, Ohio as a result of damage caused by serve storms and flooding beginning on March 12, 1982. All other information remains the same, i.e., the termination date for filing applications for physical damage is close of business on May 27, 1982 and for economic injury until the close of business on December 27, 1982.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 9, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82-10703 Filed 4-19-82; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2035]

Texas; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Lamar County, and the adjacent counties of Fannin and Red River Counties, Texas, constitutes a disaster loan area because of damage resulting from severe storms and tornadoes beginning on April 2, 1982. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 7, 1982, and for economic injury until January 10, 1983, at:

Small Business Administration, 1100 Commerce Street, Room 3C36OTHER, Dallas, Texas 75242.

Or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners with credit available elsewhere, 15⅝%
Homeowners without credit available elsewhere, 7⅞%
Businesses with credit available elsewhere, 16½%
Businesses without credit available elsewhere, 8%
Businesses (EIDL) without credit available elsewhere, 8%
Other (non-profit organizations including charitable and religious organizations), 11½%

It should be noted that assistance for agricultural enterprises if the primary responsibility of the Farmers Home Administration as specified in Public Law 96-302.

Information on recent statutory changes (Pub. L. 97-35, approved August 13, 1981) is available at the above-mentioned office.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: April 9, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82-10704 Filed 4-19-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular, Public Debt Series—No. 10-82]

Treasury Notes of April 30, 1984, Series R-1984

April 15, 1982.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $5,250,000,000 of United States securities, designated Treasury Notes of April 30, 1984, Series R-1984 (CUSIP No. 912827 NC 2). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated April 30, 1982, and will bear interest from the date, payable on a semiannual basis on October 31, 1982, and each subsequent 6 months on April 30 and October 31 until the principal becomes payable. They will mature April 30, 1984, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with the interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupons, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard Time, Wednesday, April 21, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, April 20, 1982, and received no later than Friday, April 30, 1982.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000, and larger bids must be in multiples of that amounts. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commerical banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4 noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender alloted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be

notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Friday, April 30, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, April 28, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 82-10950 Filed 4-19-82; 10:41 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 76
Tuesday, April 20, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

[M-347, Amdt. 2; April 14, 1982]

Notice of Changing a Portion of Item 1 of the April 15, 1982 Meeting, Closed Session, From Closed to Open.

TIME AND DATE: 9 a.m. (closed), 3 p.m. (open), April 15, 1982.

PLACE: Room 1012 (closed), room 1027 (open), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

6a. Docket 40534, Joint application of Braniff Airways, Inc. and Pan American World Airways, Inc. for approval of an agreement and for other relief. (BIA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-574-82 Filed 4-16-82; 3:39 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD

[M-347, Amdt. 3, April 14, 1982]

Notice of Closure and Renumbering of Item 30 for the April 15, 1982 Meeting.

TIME AND DATE: 9 a.m. (closed), 3 p.m. (open), April 15, 1982.

PLACE: Room 1012 (closed), room 1027 (open), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

5b. Docket 38623, Agreement CAB 28687, R-1 through R-40, Agreement CAB 28688, R-1 through R-15, IATA agreements on areawide Latin American resolutions and U.S.-South America passenger fares (BIA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-575-82 Filed 4-16-82; 3:39 pm]

BILLING CODE 6320-01-M

3

CIVIL AERONAUTICS BOARD

[M-347, Amdt. 1, April 13, 1982]

Notice of Addition to the April 15, 1982 Board Meeting

TIME AND DATE: 9 a.m. (closed), 3 p.m. (open), April 15, 1982.

PLACE: Room 1012 (closed), room 1027 (open), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

5a. Discussion on the Upcoming Negotiations with Trinidad and Tobago. (BIA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-576-82 Filed 4-16-82; 3:39 pm]

BILLING CODE 6320-01-M

4

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Wednesday, April 21, 1982.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

1. *FFA Enforcement Matter (OS #2036).* The Staff will brief the Commission on enforcement matter OS #2036.

2. *Enforcement Matter.* The Staff will brief the Commission on enforcement matter OS #2023.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 342, 5401 Westbard Avenue, Bethesda, MD 20207; Telephone (301) 492-6800.

[S-572-82 Filed 4-16-82; 3:25 pm]

BILLING CODE 6355-01-M

5

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Thursday, April 22, 1982.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Alternative Apparel Flammability Test Methods*
The staff will brief the Commission on three draft **Federal Register** notices which allow the use of alternate apparatus and procedures by persons and firms required to perform testing under the flammability standards for clothing textiles (16 CFR Part 1610) and for children's sleepwear (16 CFR 1615 and 1616).

2. *Mattress Standard Amendments: ANPR*
The Staff will brief the Commissioners on advance notice of proposed rulemaking to initiate a proceeding for the amendment of the Standard for the Flammability of Mattresses (16 CFR Part 1632).

3. *Priorities for FY 83*
The staff and Commission will discuss matters related to establishing priorities for fiscal year 1983.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 342, 5401 Westbard Avenue, Bethesda, MD 20207; Telephone (301) 492-6800.

[S-573-82 Filed 4-16-82; 3:25 pm]

BILLING CODE 6355-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:05 a.m. on Thursday, April 15, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, to consider a request by an insured bank for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)).

At the same meeting, the Board of Directors considered a 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. 45,185-L—Franklin National Bank, New York, New York

In calling the meeting, the Board determined, on motion of Chairman William M. Issac, seconded by Director Irvine H. Sprague (Appointive),

concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice 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 pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Chairman's Office, Room 6023 of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Dated: April 15, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-569-82 Filed 4-16-82; 11:30 am]

BILLING CODE 6714-01-M

7

FEDERAL ELECTION COMMISSION

[FR No. FR-S-547]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, April 22, 1982 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (fifth floor).

CHANGE IN MEETING: The open meeting previously scheduled to convene at 10 a.m. has been changed to 2 p.m. to permit Commissioners to testify at the Senate Rules Committee authorization and oversight hearing scheduled for the morning of April 22, 1982.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-568-82 Filed 4-16-82; 10:06 am]

BILLING CODE 6715-01-M

8

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Monday, April 26, 1982.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. 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 16, 1982.

James McAfee,

Associate Secretary of the Board.

[S-577-82 Filed 4-16-82; 3:46 pm]

BILLING CODE 6210-01-M

9

NUCLEAR REGULATORY COMMISSION

DATE: Week of April 19, 1982 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Tuesday, April 20:*

10:00 a.m.:
Briefing on Status and Assessment of Near-Term Operating Licenses (rescheduled from April 21)

Wednesday, April 21:

9:30 a.m.:
Briefing on Vendor Inspection Program (as announced)

Friday, April 23:

2:00 p.m.:
Affirmation/Discussion Session (public meeting)
Item to be affirmed and/or discussed:
a. FOIA Appeal 82-A-2C (Devine) Regarding the Investigative Jurisdiction of IE and OIA

ADDITIONAL INFORMATION: Briefing on Requirements for Emergency Response Capability, held at 10:00 a.m., Thursday, April 15, was continued at 1:30 p.m. Discussion of Proposed Legislation: Nuclear Standardization Act of 1982, previously scheduled for 1:30 p.m., Thursday, April 15, was postponed to 10:00 a.m., Friday, April 16. Discussion of Management-Organization and Internal Personnel Matters (Closed Meeting), scheduled for Friday, April 16, was postponed until 1:30 that afternoon. Briefing on Revised Value-Impact Procedures and Guidelines re EO12291 and Briefing on Long-Range Research Plan, both announced for April 20, have been cancelled. The Affirmation Session held on 4/15 was held partially closed.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

April 16, 1982.

[S-571-82 Filed 4-16-82; 3:25 pm]

BILLING CODE 7590-01-M

10

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

ENTITY: Synthetic Fuels Corporation.

ACTION: Notice of meeting.

SUMMARY: Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be conducted by Conference telephone at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and Section 4 of the Corporation's Statement of Policy on Public Access to Board Meetings. During the open portion of the meeting, the Board of Directors will act on a resolution to close the meeting pursuant to Article II Section 4 of the Corporation's By-laws, Section 116(f) of the said Act and Section 4 and 5 of the said policy.

Meeting open to the public:

1. Consideration of Resolution To Close the Meeting.

Closed meeting:

1. Consideration of Matters Relating to the Tosco Loan Guarantee.

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

TIME AND DATE: 11 a.m., April 26, 1982.

PLACE: Board Room, U.S. Synthetic Fuels Corporation, 1900 L Street, NW., Washington, D.C.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Office of General Counsel (202) 653–4230.

April 16, 1982.

United States Synthetic Fuels Corporation.

Edward E. Noble,

Chairman of the Board.

[S-570-82 Filed 4-16-82; 2:46 pm]

BILLING CODE 0000-00-M

federal register

Tuesday
April 20, 1982

Part II

Department of the Interior

Office of the Secretary

Semiannual Agenda of Rules Scheduled for Review or Development

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Chs. I and XII

41 CFR Ch. 14

43 CFR Subtitle A, Chs. I and II

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Department of the Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between April and October 1982. A semiannual agenda is required by the Regulatory Flexibility Act and Executive Order 12291.

ADDRESS: Unless otherwise indicated, all Contacts are located at the Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate Contact.

SUPPLEMENTARY INFORMATION: With this publication the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of rules that have been issued or are expected to be issued, and currently effective rules that are scheduled for review. Simultaneously the Department meets the requirement of the Regulatory Flexibility Act that an agenda be published in April and October of each year identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda. This incorporation of agendas is expressly allowed by Executive Order 12291. Determinations of effects which were approved under Executive Order 12044 for rules subsequently proposed but not yet final will be evaluated to ensure compliance with Executive Order 12291 prior to their publication as final rules.

Dated: April 13, 1982.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

ASSISTANT SECRETARY—POLICY, BUDGET, AND ADMINISTRATION

41 CFR 14–1 et seq.—Interior Procurement Regulations

Summary: Review of the Department's procurement regulations has been completed and revisions have been made to establish new procedures for issuance and maintenance of regulations; update provisions regarding procurement authority, mistakes in bid, bid protests, and small business and related programs; and remove provisions pertaining to internal procedures.

Originally Scheduled: April 1981.

Authority: 5 U.S.C. 301.

Determination of Effects: By memorandum dated April 8, 1981, the Director, Office of Management and Budget, exempted procurement regulations, with few exceptions, from the provisions of E.O. 12291. The determination as to whether these documents are major rules under E.O. 12291 are therefore not required.

Contact: William Opdyke, 202–343–6431.

Action: Final rule removing the provisions which relate to the internal procedures of the Department was published October 8, 1981.

Proposed rule effecting the other revisions was published November 4, 1981.

Final rule was published December 17, 1981.

41 CFR 14–1.0—Regulation System

Summary: Section 14–1.008 has been revised to establish new review procedures to control the issuance of procurement policies, procedures, directives, and regulations. This procurement review is required by the Office of Federal Procurement Policy Letter 80–5.

Originally Scheduled: April 1981.

Authority: 5 U.S.C. 301.

Determination of Effects: By memorandum dated April 8, 1981, the Director, Office of Management and Budget, exempted procurement regulations, with few exceptions, from the provisions of E.O. 12291. The determination as to whether this document is a major rule under E.O. 12291 is therefore not required.

Contact: William Opdyke, 202–343–6431.

Action: Final rule was published October 8, 1981.

41 CFR 14–1.7—Small Business Concerns

Summary: Section 14–1.706–1 will be revised to increase the dollar thresholds established for small business class set-aside procurements.

Originally Scheduled: October 1981.

Authority: 5 U.S.C. 301.

Determination of Effects: By memorandum dated April 8, 1981, the Director, Office of Management and Budget, exempted procurement regulations, with few exceptions, from the provisions of E.O. 12291. The determination as to whether this document is a major rule under E.O. 12291 is therefore not required.

Contact: William Opdyke, 202–343–6431.

41 CFR 14–3.8—Price Negotiation Policies and Techniques

Summary: Section 14–3.808 has been added to Subpart 14–3.8 to establish Departmental policy for determining profit or fees under contracts. This rule is required by the Office of Federal Procurement Policy Letter 80–7.

Originally Scheduled: April 1981.

Authority: 5 U.S.C. 301.

Determination of Effects: By memorandum dated April 8, 1981, the Director, Office of Management and Budget, exempted procurement regulations, with few exceptions, from the provisions of E.O. 12291. The determination as to whether this document is a major rule under E.O. 12291 is therefore not required.

Contact: William Opdyke, 202–343–6431.

Action: Final rule was published December 17, 1981.

41 CFR 14–4.9—Unsolicited Proposals

Summary: A new rule is being added to establish procedures for submission and disposition of unsolicited proposals relating to the Department's missions. This rule is required by 41 CFR 1–4.903.

Originally Scheduled: October 1981.

Authority: 5 U.S.C. 301.

Determination of Effects: By memorandum dated April 8, 1981, the Director, Office of Management and Budget, exempted procurement regulations, with few exceptions, from the provisions of E.O. 12291. The determination as to whether this document is a major rule under E.O. 12291 is therefore not required.

43 CFR Parts 7 and 20—Employee Responsibilities and Conduct

Summary: 43 CFR Part 20 has been revised to conform with the Ethics in Government Act of 1978 and to set forth Department policies and identify

principal laws and regulations which relate to employee conduct and responsibilities. 43 CFR Part 7 has been revoked and its provisions incorporated into 43 CFR Part 20.

Originally Scheduled: January 1979.

Authority: Pub. L. 95–521.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Gabriele J. Paone, 202–343–3932.

Action: Appendixes C, D, E, F, and G were published February 20, 1980.

Proposed rule was published October 6, 1980.

A Notice announcing the availability of Appendixes C, D, E, F, and G was published March 16, 1981.

Final rule was published December 1, 1981.

OFFICE OF THE SOLICITOR

43 CFR Part 1—Practice Before the Department

Summary: This rule governs practice in administrative proceedings before the Department. It is being revised to update its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR Part 20) and the Ethics in Government Act.

Originally Scheduled: January 1981.

Authority: 43 U.S.C. 1464.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Deborah Ryan, 202–343–5216.

43 CFR Part 2—Records and Testimony

Summary: This rule is being revised to: (1) reflect recent organization title changes; and (2) include various technical amendments.

Originally Scheduled: January 1981.

Authority: 5 U.S.C. 301, 552 and 552a; 31 U.S.C. 483a; 43 U.S.C. 1460.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Robert E. Walter, 202–343–5216.

43 CFR Part 22—Administrative Claims Under Federal Tort Claims Act

Summary: This part will be revised to remove subsection 22.1(b) which references an Appendix A that was previously removed from Title 43.

Originally Scheduled: October 1981.

Authority: 5 U.S.C. 301; 28 U.S.C. 2671–2680.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Deborah Ryan, 202–343–5216.

OFFICE FOR EQUAL OPPORTUNITY

43 CFR Part 17, Subpart A—Nondiscrimination on the Basis of Race, Color or National Origin

Summary: This rule is under review and will be revised to conform with pending Department of Justice regulations which will be applicable throughout the Federal Government.

Originally Scheduled: April 1981.

Authority: 5 U.S.C. 301,

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Afred J. Poole, 202–343–4331.

43 CFR Part 17, Subpart B—Nondiscrimination on the Basis of Handicap

Summary: This rule will set forth guidelines for non-discrimination on the basis of handicap in programs or activities receiving Federal financial assistance from the Department.

Originally Scheduled: January 1979.

Authority: Sec. 504, Pub. L. 95–602; 29 U.S.C. 794.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Alfred J. Poole, 202–343–4331.

Action: Advance Notice of Proposed rulemaking was published April 13, 1979.

Proposed rule was published April 18, 1980.

43 CFR Part 17, Subpart C—Nondiscrimination on the Basis of Age

Summary: This rule will set forth guidelines for non-discrimination on the basis of age in programs or activities receiving Federal financial assistance from the Department.

Originally Scheduled: January 1979.

Authority 42 U.S.C. 6101; 45 CFR 90.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Alfred J. Poole, 202–343–4331.

Action: Proposed rule was published January 3, 1980.

OFFICE OF HEARINGS AND APPEALS

4015 Wilson Boulevard, Arlington, Virginia 22203

43 CFR Part 4, Subpart A—General; Office of Hearings and Appeals

Summary: This rule is being revised to remove out of date references and to simplify language to comply with E.O. 12291 which mandates the review and revision, where necessary, of existing regulations.

Originally Scheduled: January 1980.

Authority: 5 U.S.C. 301.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: James Kleiler, 703–557–9040.

Action: Proposed rule was published May 27, 1980.

43 CFR Part 4, Subpart B—General Rules Relating to Procedures and Practice

Summary: The general rules now existing in this Subpart are proposed for inclusion, where needed, in the several Subparts of 43 CFR Part 4 so that each Subpart can stand alone. When this has been done, Subpart B will be deleted.

Originally Scheduled: January 1979.

Authority: 5 U.S.C. 301.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Kathryn Lynn, 703–557–1400.

Action: Proposed rule was published May 27, 1980. Final rule should be published when Subpart B is incorporated into other Subparts of 43 CFR Part 4.

43 CFR Part 4, Subpart C—Special Rules Applicable to Contract Appeals

Summary: Proposed rules are being developed to update the procedural provisions regarding proceedings before the Board of Contract Appeals in conformance with the Contract Disputes Act of 1978 and generally to conform with the recommended guidelines of OFPP for Boards of Contract Appeals in the Federal Government.

Originally Scheduled: January 1979.

Authority: Pub. L. 95–563; 41 U.S.C. 601 et seq.

Determination of Effects: By memorandum dated April 8, 1981, the Director, Office of Management and Budget, exempted procurement regulations, with few exceptions, from the provisions of E.O. 12291. The determination as to whether this document is a major rule under E.O. 12291 is therefore not required.

Contact: David Doane, 703–557–1450.

Action: Final rule was published November 24, 1981.

43 CFR Part 4, Subpart E—Special Rules Applicable to Public Land Hearings and Appeals

Summary: Existing rules for public land hearings and appeals are being reviewed to determine the necessity for clarification and improvement. They will be revised to: include relevant general regulations presently appearing in Subpart B; add limitations to the filing of petitions for reconsideration; amend existing regulations to permit the Board to consider certain proprietary information which has served as the basis for the decision below; require service on parties of recommended decisions of administrative law judges under existing section 4.439; provide for intervention in appeals; revise regulations relating to the filing of protests; and coordinate, to the maximum extent feasible, the various hearing procedures as they presently exist.

Originally Scheduled: July 1979.

Authority: 43 U.S.C. 1201, 1701.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: James Kleiler, 703–557–9040.

43 CFR Part 4, Subpart F—Implementation of the Equal Access to Justice Act

Summary: These regulations will implement for the Department of the Interior the Equal Access to Justice Act. The Act provides for the award of attorney's fees and other expenses to certain parties who prevail over the Department in administrative adjudications conducted under section 554 of the Administrative Procedure Act.

Originally Scheduled: April 1981.

Authority: Pub. L. 96–481; 5 U.S.C. 504.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Patrick Sheehy, 703–557–9200.

43 CFR Part 4, Subpart G—Special Rules Applicable to Other Hearings and Appeals

Summary: Existing rules are being clarified, simplified, and updated for appeals not within the appellate review jurisdiction of established appeals boards of the Office.

Originally Scheduled: July 1979.

Authority: 5 U.S.C. 301.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Kathryn Lynn, 703–557–1400.

Action: Proposed rule was published December 9, 1980.

43 CFR Part 4, Subpart H—Special Procedural Rules Applicable to Proceedings Conducted Pursuant to Enforcement of Executive Order 11375, and Rules and Regulations and Orders Issued Thereunder

Summary: This rule is being revoked to comply with Executive Order 12086 which transferred all functions under Executive Order 11246, as amended by Executive Order 11375, to the Department of Labor.

Originally Scheduled: January 1980.

Authority: 5 U.S.C. 301.

Determination of Effects: The effects of this document were previously considered under ther provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Bruce Harris, 703–557–9040.

Action: A proposal to revoke this rule was published May 27, 1980.

43 CFR Part 4, Subpart I—Special Procedural Rules Applicable to Practice and Procedure for Hearings, Decisions and Administrative Review Under Part 17 of this Title.

Summary: This rule is being revised to remove gender specific pronouns and to simplify language to comply with E.O. 12291 which mandates the review and revision, where necessary, of existing regulations.

Originally Scheduled: July 1980.

Authority: 5 U.S.C. 301.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Kathryn Lynn, 703–557–1400.

Action: A proposed rule was published May 27, 1980.

43 CFR Part 4, Subpart J—Special Rules Applicable to the Alaska Native Claims Settlement Act Hearings and Appeals

Summary: Existing rules are being amended to clarify procedures and simplify language, and to carry out Secretarial policy decisions on: (1) Alaska Native Claims Appeal Board jurisdiction over appeals by persons claiming rights under Section 14(c) of the Alaska Native Claims Settlement Act; (2) requirements for standing to appeal; (3) standard of review and burden of proof; and, (4) procedure for hearings on questions of fact.

Originally Scheduled: January 1979.

Authority: 43 U.S.C. 1601 et seq.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Judith M. Brady, Chairman, Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, AK 99510, 907–271–4001.

Action: Proposed rules were published February 8, 1979 and March 2, 1979.

43 CFR Part 4, Subpart K—Special Procedural Rules Applicable to Contest Proceedings to Disenroll Alaska Natives

Summary: This rule will be revoked, because the deadline for disenrollment contest review (October 1, 1978) has passed. (See 25 CFR 43h.15(h))

Originally Scheduled: January 1980.

Authority: 5 U.S.C. 301.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Bruce Harris, 703–557–9040.

Action: A proposal to revoke this rule was published May 27, 1980.

Final rule will be published when disenrollment cases currently pending in Federal courts are concluded.

43 CFR Part 4, Subpart L—Special Rules Applicable to Surface Coal Mining Hearing and Appeals

Summary: Proposed rule has been developed to govern hearings and appeals provided for in the permanent regulatory program regulations (44 FR 15311, March 13, 1979).

Originally Scheduled: May 1978.
Authority: 30 U.S.C. 1211 (Supp. I, 1977).
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Will Irwin, 703–557–9037.
Action: Proposed rule was published January 14, 1981.

43 CFR Part 4, Subpart L—Special Rules Applicable to Surface Coal Mining Hearings and Appeals

Summary: Existing rules governing hearings and appeals under the Surface Mining Control and Reclamation Act of 1977 are being reviewed to determine the necessity for clarification and improvement.
Originally Scheduled: July 1980.
Authority: 30 U.S.C. 1211.
Contact: Will Irwin, 703–557–9037.

Bureau of Mines

2401 E Street NW, Washington, D.C. 20241.

1130 CFR 602—Helium Distribution Contracts

Summary: This rule establishes new regulations associated with the purchase of helium by Federal agencies. The proposed regulations reflect changes required to conform them to Federal court decisions which invalidated current regulations.
Originally Scheduled: January 1981.
Authority: 50 U.S.C. 167.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: M. H. Williamson, Division of Helium Operations, Bureau of Mines, Box H 4372 Herring Plaza, Amarillo, TX 79101, 806–376–2614.
Action: Proposed rule was published December 16, 1980.
The information collection requirements contained in section 602.3 of this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1032–0113.
Final rule was published December 10, 1981.

Geological Survey

National Center, Reston, Virginia 22092

OCS Order No. 2—Section 8, Outer Continental Shelf Standard "Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment"

Summary: This standard will be amended to remove requirements that: (a) personnel, who are required to work in an H2S environment, shall undergo an ear drum examination; and (b) personnel with perforated eardrums shall be prohibited from working in an H2S environment. The amendment will also require personnel engaged in activities on the OCS in H2S or S02 environments to be equipped with a pressure-demand-type respirator which conforms to prescribed standards. (MMSS–OCS–1, Section 5.2)
Originally Scheduled: October 1981.
Authority: 30 CFR 250.41; 43 U.S.C. 1334.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Lloyd M. Tracey, 703–860–7395.
Action: Proposed rule was published December 28, 1981.

OCS Order No. 2—Drilling Operations; OCS Order No. 3—Plugging and Abandonment of Wells; OCS Order No. 5—Production Safety Systems; OCS Order No. 7—Pollution Prevention and Control; OCS Order No. 9—Platforms and Structures

Summary: Consideration will be given to revising these Orders to: reflect editorial changes; eliminate excessive, burdensome or counterproductive regulations; and include recommendations by blowout investigation review boards.
Originally Scheduled: October 1981.
Authority: 30 CFR Part 250; 43 U.S.C. 1334.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Lloyd M. Tracey, 703–860–7395.

OCS Order No. 2—Drilling Operations; OCS Order No. 8—Platforms and Structures

Summary: Consideration will be given to amending these Orders to consolidate and simplify training and qualification requirements.
Originally Scheduled: October 1981.
Authority: 30 CFR Part 250; 43 U.S.C. 1334.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Lloyd M. Tracey, 703–860–7395.

OCS Order No. 5—Paragraph 6, Failure and Inventory Reporting System

Summary: The Failure and Inventory Reporting Program will be rescinded by eliminating the requirements contained in OCS Order No. 5, Paragraph 6.
Originally Scheduled: October 1981.
Authority: 43 U.S.C. 1334.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Marshall Courtois, 703–860–6831.
Action: Proposed rule was published September 30, 1981.

OCS Order No. 6—Well Completion of Oil and Gas Wells

Summary: The rule will revise the existing Order (effective on August 28, 1969) which established guidelines that permit the conduct of well completion and workover operations in a safe manner and minimize the risk of pollution on the OCS.
Originally Scheduled: October 1981.
Authority: 30 CFR 250.41, 250.43; 43 U.S.C. 1334.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Lloyd M. Tracey, 703–860–7395.

OCS Order No. 8—Platforms and Structures

Summary: Consideration will be given to amending this Order to require additional periodic inspections in the interest of safety.
Originally Scheduled: October 1981.
Authority: 30 CFR 250.11; 43 U.S.C. 1334.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Lloyd M. Tracey, 703–860–7395.

OCS Order No. 9—Pipelines

Summary: Consideration will be given to amending this Order to reflect advances in technology and the Memorandum of Understanding with the Department of Transportation.
Originally Scheduled: October 1981.
Authority: 30 CFR Part 250; 43 U.S.C. 1834.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Lloyd M. Tracey, 703–860–7395.

OCS Order No. 11—Oil and Gas Production Rates, Prevention of Waste, and Protection of Correlative Rights

Summary: This order is being revised to eliminate the Maximum Efficient Rate (MER) concept of production control

except for those reservoirs that are determined to be rate sensitive and to reduce the recordkeeping and reporting burden of OCS operators.

Originally Scheduled: October 1981.

Authority: 30 CFR 250.10 and 250.11.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Richard Ensele, 703–860–6831.

OCS Order No. 13—Production Measurements and Commingling

Summary: It is proposed to revise the currently effective Gulf of Mexico OCS Order No. 13 to make it effective for all areas of the OCS.

Originally Scheduled: April 1982.

Authority: 43 U.S.C. 1334.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Lloyd M. Tracey, 703–860–7395.

Alaska Region OCS Orders

Summary: It is proposed to revise and consolidate the currently effective Gulf of Alaska Area and the Arctic Area OCS Orders into a single set of OCS Orders applicable to all areas of the Alaska Region OCS, including the Bering Sea Area.

Originally Scheduled: October 1981.

Authority: 30 CFR Part 250; 43 U.S.C. 1334.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Lloyd M. Tracey, 703–860–7395.

Action: Proposed rule was published February 10, 1982.

30 CFR Part 250—Development and Production Plan

Summary: This rule is being amended to provide for an extension of time to review and approve, disapprove, or require modification of development and production plans in order to allow for the preparation of environmental documents on a cooperative basis by Federal, State and local government entities, and industry. The current regulation requires the review and the approval decision within 120 days. The joint preparation minimizes duplication of effort, provides an informal mechanism for handling disagreement results in a better product, and ultimately saves time (250.34–2).

Originally Scheduled: April 1982.

Authority: 43 U.S.C. 1334.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: David A. Schuenke, 703–860–7395.

30 CFR Part 211—Coal Mining Regulations

Summary: This part is being revised to delineate the functions and responsibilities for coal mining operations on Federal lands and to govern coal mining operations for production, development, mineral resource recovery and protection, royalties, diligent development and maximum economic recovery on Federal lands under the Mineral Leasing Act of 1920, as amended. The revisions will also recodify the regulations relating to the initial Federal Lands program under the Surface Mining Control and Reclamation Act of 1977.

Originally Scheduled: May 1978.

Authority: 30 U.S.C. 181; 30 U.S.C. 1201.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Wright Sheldon 703–860–7136.

Action: Proposed rule was published May 19, 1980.

A second proposed rule was published December 16, 1981.

A notice was published January 7, 1982 which announced the scheduling of public meetings and extended the comment period to February 20, 1982.

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

30 CFR Parts 211, 221, 231, 250, and 270—Royalty Collections

Summary: These parts are being amended to implement the policy to imposing a late payment charge on all payments which are not received by the due date established by the terms of mineral leases and permits issued for Federal and Indian Lands.

Originally Scheduled: July 1980.

Authority: Treasury Circular No. 1084.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Ray Hicks, 703–860–7511.

Action: Interim rule was published December 23, 1980.

A notice was published February 4, 1981 which extended the effective date of this Interim rule to March 1981.

30 CFR Parts 211, 221, 231, 250, and 270—Royalty Management and Accounting

Summary: The royalty management and royalty accounting provisions of these Parts are being reviewed in order to determine if they may be streamlined and updated.

Originally Scheduled: April 1982.

Authority: 30 U.S.C. 189, 359, 1023, and 1334.

Contact: Raymond A. Hicks, 703–860–7511.

30 CFR Part 221—Oil and Gas Operating Regulations

Summary: This part is being revised to expand the scope of current operating regulations to include operations in the National Petroleum Reserve in Alaska. This change will eliminate the need for separate operating regulations to cover oil and gas leases issued in this area. In addition, the revision will indicate the transfer of jurisdiction for the remaining Naval Petroleum Reserves from the Secretary of the Navy to the Secretary of Energy.

Originally Scheduled: April 1981.

Authority: Pub. L. 96–514, 94–Stat. 2964; 44 U.S.C. 7101, 7156.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Gary W. Horton, 703–860–7515.

Action: Final rule was published December 1, 1981.

30 CFR Part 221—Oil and Gas Operating Regulations

Action: This rule will amend the regulations governing the discovery, development and production from onshore Federal and restricted Indian leases. The intent is to revise and modernize the regulations which have not been thoroughly reviewed since 1942, and (1) eliminate unnecessary items, (2) reflect advancements made in technology, (3) incorporate provisions for environmental protection, (4) recognize outstanding Departmental opinions and policy directives, and (5) provide more meaningful enforcement actions.

Originally Scheduled: April 1981.

Authority: 5 U.S.C. 301; 30 U.S.C. 189.

Determination of Effects: The Deparment of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Gerald R. Daniels, 703–860–7535.

Action: A Notice of Intent to propose rulemaking was published May 22, 1981.

Proposed rule was published November 17, 1981.

A Notice was published December 16, 1981 which extended the comment period to January 18, 1982.

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

30 CFR Parts 221 and 231—Oil and Gas Operating Regulations; Operating Regulations for Exploration, Development and Production

Summary: These Parts will be amended in order to modify existing provisions to facilitate the development of tar sands.

Originally Scheduled: April 1982.

Authority: 30 U.S.C. 189; 95 Stat. 1070.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Stephen Spector, 703–860–6259.

30 CFR Part 225—Disposal of OCS Royalty Oil

Summary: This part will be rescinded because the authority for disposal of OCS royalty oil was transferred to the Department of Energy by 42 U.S.C. 7152. The Department of Energy regulations are found in 10 CFR Part 39.

Originally Scheduled: October 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Platte Clark, 703–860–7395.

30 CFR Part 226—Unit or Cooperative Agreements

Summary: This part is being considered for revision. The intent is to improve the unitization process as a means of promoting the orderly development of oil and gas resources.

Originally Scheduled: April 1981.

Authority: 30 U.S.C. 189 and 226(e).

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Stephen Spector, 703–860–6259.

Action: A Notice of Intent to propose rulemaking was published May 14, 1981.

30 CFR Part 231—Operating Regulations for Exploration, Development and Production

Summary: This part will be amended to revise the definition of mining supervisor in section 231.2(c) and to clarify the responsibilities of operators and the government in section 231.73(b)–(c).

Originally Scheduled: October 1981.

Authority: 30 U.S.C. 189 and 275.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Walter Lewiecki, 703–860–7506.

Action: Proposed rule was published November 17, 1981.

30 CFR Part 250—Royalties, New Profits Share, and Rental Payments

Summary: This rule will be revised to amend references to the payment of interest. A late payment penalty will be assessed in lieu of interest and will be computed as specified by the Department of Treasury (250.49; 250.80–1(o)(3).

Originally Scheduled: July 1980.

Authority: 43 U.S.C. 1334; Treasury Fiscal Requirements Manual, Section 8020.20.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Platte Clark, 703–860–7395.

Action: The intent to revise 30 CFR 250.49 was announced with the publication of related onshore regulations on December 23, 1980.

30 CFR Part 250—Suspension of Operations and Lease Cancellation

Summary: This rule is being revised to provide for a suspension of operations when the lessee is delayed by government inaction (250.12(b)(1)).

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Platte Clark, 703–860–7395.

Action: Proposed rule was published August 20, 1981.

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

30 CFR Part 250—Exploration, Development and Production Activities

Summary: This rule is being amended to delete the requirement for development and production plans in areas developed prior to 1978 in the Western Gulf of Mexico (250.34–1; 250.34–2).

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: David Schuenke, 703–860–7395.

Action: Proposed rule was published October 6, 1981.

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

30 CFR Part 250—Environmental Reports

Summary: This rule is being amended to delete the requirment for environmental reports in areas developed prior to 1978 in the Western Gulf of Mexico (250.34–3).

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: David Schuenke, 703–860–7395.

Action: Proposed rule was published October 5, 1981.

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

30 CFR Part 250—Air Quality

Summary: This rule will establish an offshore mileage limit on duty to submit data regarding air quality (250.57).

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Jane Roberts, 703–860–7395.

Action: Proposed rule was published March 10, 1980.

A Notice withdrawing the proposed rule is scheduled to be published by May 1982.

30 CFR Part 250 and OCS Order No. 1, Paragraph 5—Marking of Equipment

Summary: Alternative methods of marking equipment are being considered to meet the statutory intent to establish responsibility for damage of commercial fishing gear (250.54).

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: David Schuenke, 703–860–7395.

30 CFR Part 250—Lease Stipulations

Summary: This part is being revised to include OCS Lease stipulations. Stipulations, as now written, are becoming routine and may therefore be codified.

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Price McDonald, 703–860–6831.

30 CFR Part 250—Authority and Requirements for Unitization

Summary: This part was revised to eliminate the requirement that the portion of the lease not unitized be segregated into a separate lease (250.50).

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Price McDonald, 703–860–6831.

Action: Proposed rules was published August 20, 1981.

Final rule was published February 16, 1982.

30 CFR Part 250—OCS Well Completion or Recompletion Logs

Summary: This part is being amended to eliminate the necessity for OCS lessees to submit production logs such as cement bond logs, perforating logs and others. This amendment is intended to alleviate the paperwork burdens imposed on the operators (250.95).

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Doug McIntosh, Geological Survey, P.O. Box 7944, Metairie, LA 70010, 504–837–9251.

30 CFR Part 250—Remedies

Summary: This part is being amended to make clear that section 250.81 does not apply to appeals to the Interior Board of Land Appeals.

Originally Scheduled: October 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: David Schuenke, 703–860–7395.

Action: Proposed rule was published July 21, 1981.

30 CFR Part 250—Penalties

Summary: This part is being reviewed to determine whether an amendment is necessary to meet the intent of the statute (250.80–2).

Originally Scheduled: October 1981.

Authority: 43 U.S.C. 1334.

Contact: David A. Schuenke, 703–860–7395.

30 CFR Part 250—Monthly Report of Operations

Summary: This part is being amended to change the time for submission by lessees of Form 9–152, Monthly Report of Operations, to within 25 days following the month to which the report relates, from the current time of the 20th day following the month to which the report relates. This is intended to preclude premature reporting and subsequent amendments (250.93).

Originally Scheduled: April 1982.

Authority: 43 U.S.C. 1334.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: William Cook, 703–860–6831.

30 CFR Part 250—Effect of Drilling or Well Reworking on Lease Term

Summary: This regulation, which requires a nonproducing lease beyond its primary term to perform drilling or well reworking operations at intervals not greater than 90 days, is being amended to provide for an extension of the 90 day period under certain circumstances. This amendment would provide the flexibility to take into account extenuating or unforeseen circumstances (250.35).

Originally Scheduled: April 1982.

Authority: 43 U.S.C. 1334.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Price McDonald, 703–860–6831.

30 CFR Parts 250 and 251—Environmental Reports/Tiering

Summary: These rules are being amended to emphasize the availability of tiering and incorporation by reference in the preparation of environmental reports for submission to the Department with regard to OCS operations (250.34–3 and 250.34–4).

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: David Schuenke, 703–860–7395.

30 CFR Parts 250 and 251—Petitions for Reconsideration

Summary: These parts are being revised to limit the right of petitions for reconsideration to a single request which must be made within a specified time limit of the order to be reconsidered (250.81 and 251.10).

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Eva Datz, 703–860–7395.

Action: Proposed rule was published July 21, 1981.

30 CFR Parts 250 and 251—Reimbursement to Lessees and Permittees of Reproduction Costs and Costs of Processing Geophysical Data and Information

Summary: These parts are being amended to provide for the reimbursement of OCS lessees and permittees for the costs of reproducing geological and geophysical information and data submitted to, and retained by, the Director. A permittee would also be reimbursed at the lowest rate available for the cost of processing geophysical data in the form and manner of processing normally used in the conduct of the permittee's business. A lessee or permittee would also be reimbursed for the reasonable cost of processing geophysical data when the Secretary dictates the form and manner of processing. These amendments are necessitated by an opinion of the Solicitor, dated November 17, 1980, M–36924 (250.12(d), 250.34–1(k), 250.34–2(n), 250.39, 250.58, 251.2; 251.12; 251.13(d); 252.2).

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: David Schuenke, 703–860–7395.

Action: Proposed rule was published October 5, 1981.

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

30 CFR Parts 250 and 251—Disclosure of Information

Summary: The Secretary is reconsidering the current regulations concerning the timing and circumstances allowing disclosure and release of information gathered on the OCS.

Originally Scheduled: October 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: David A. Schuenke, 703–860–7395.

30 CFR Part 251—Inspection, Selection and Submission of Geological and Geophysical Data and Information

Summary: This part will be amended to eliminate the requirement that lessees immediately report the processing, reprocessing or interpretation of geological and geophysical data (251.11(a) and 12(a)).

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Dan Palubniak, 703–860–6461.

Action: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

30 CFR Part 251—Duration of Exploration Activities

Summary: This part is being revised to allow a permittee to submit data and information from a deep stratigraphic test well 60 days prior to the sale date (251.6–5).

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Jane Roberts, 703–860–7395.

Action: Proposed rule was published September 9, 1981.

Final rule was published April 13, 1982.

30 CFR Part 251—Progress Report on Activities Conducted Under a Permit

Summary: This part is being amended to allow the status report to be filed monthly rather than weekly (251.7–2).

Originally Scheduled: October 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Platte Clark, 703–860–7395.

30 CFR Part 251—Permit Requirements for a Deep Stratigraphic Test

Summary: This part is being amended to make optional, at the discretion of the Director, the requirement for geophysical information and data collected from side scan sonar and magnetometer systems over proposed drilling locations for COST wells (251.6–2(a)(5)).

Originally Scheduled: October 1981.

Authority: 43 U.S.C. 1334.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not be made at this time.

Contact: David Zinzer, 703–860–4362.

30 CFR Part 252—Oil and Gas Data and Information To Be Provided for Use in the OCS Oil and Gas Information Program

Summary: The provisions for reimbursement are to be reviewed to insure conformance with the Outer Continental Lands Act Amendments of 1978 (252.3(b) and (e)).

Originally Scheduled: October 1981.

Authority: 43 U.S.C. 1334.

Contact: Platte Clark, 703–860–7395.

30 CFR Part 255—Mining Operations in the Outer Continental Shelf

Summary: This part is being added to provide a regulatory program for mining operations of hard minerals in the Outer Continental Shelf.

Originally Scheduled: April 1982.

Authority: 43 U.S.C. 1334.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Jane Roberts, 703–860–7395.

30 CFR Part 260—Nondiscrimination in Employment and Contracting Practices in the Outer Continental Shelf

Summary: This part is being added to implement section 604 of the OCS Lands Act which requires the Secretary to take affirmative action as deemed necesary to assure that no unlawful discrimination occurs in relation to activities in the OCS. This part will replace regulations formerly found in 43 CFR Part 35.

Originally Scheduled: April 1982.

Authority: 43 U.S.C. 1863.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Platte Clark, 703–860–7395.

30 CFR Part 270—Geothermal Resources Operations on Public, Acquired and Withdrawn Lands

Summary: This part is being amended to prevent misinterpretation and reduce the quantity of required reports. Section 270.34 will be revised to clarify the relationships between environmental data collection and geothermal lease administration. Section 270.77 will be revised to reduce the frequency of a reporting requirement.

Originally Scheduled: October 1981.

Authority: 30 U.S.C. 1023.

Determination of Effects: The Department of the Interior had determined that this document is not a major rule under E.O. 12291.

Contact: Gerald R. Daniels, 703–860–7535.

Action: Proposed rule was published September 8, 1981.

The information collection requirements contained in section 250.77 will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

30 CFR Part 290—Appeals Procedures

Summary: This part is being amended to revise the procedures relevant to issuing a stay of an order, that is appealed to the Director, to specify that the Director may require a bond and that late payment charges will be required on any payments deferred under the stay if the appellant's appeal is denied (290.3).

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334, 1335; 25 U.S.C. 29; 30 U.S.C. 189, 285, 359, and 1023.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Eva Datz, 703–860–7395.

30 CFR Part 290—Proprietary Data in Appeals Briefs

Summary: This part is being amended to require an appellant to file a second sanitized copy of all appeal briefs deleting all data that appellant claims is not subject to disclosure under a Freedom of Information Act request.

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334, 1335; 30 U.S.C. 189, 285, 359, 1023; 20 U.S.C. 2, 9.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Eva Datz, 703–860–7395.

30 CFR Part 290—Appeals Procedures

Summary: This part is being amended to require that the appellant be served

with a copy of the report by the official who issued the decision or order being appealed.

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1334, 1335; 30 U.S.C. 189, 285, 359, and 1023.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Eva Datz, 703–860–7395.

30 CFR Chapter II—Geological Survey, Department of the Interior

Summary: This chapter is being considered for amendment. The Intent would be to include necessary regulations to explore for oil and gas within the Arctic National Wildlife Refuge coastal plain.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 3142(d).

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Larry Bauer, 703–860–7535.

Action: A notice of intent to propose rulemaking was published July 14, 1981.

Office of Surface Mining Reclamation and Enforcement

1951 Constitution Avenue NW, Washington, D.C. 20240

30 CFR Part 700—Two Acre Exemption: Extraction of Coal

Summary: This part is being revised to address abuses that have been documented regarding the extraction of coal where a surface mining operation affects two acres of less (700; 701; 764; 770; 771; 779; 780; 783; 784; 785; 788; 816; 817; 825; 828).

Originally Scheduled: January 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Danny Ellis, 202–343–5361.

Action: Final rule was published January 23, 1981.

A notice was published February 4, 1981 which extended the effective date of this rule until March 30, 1981.

A notice was published March 23, 1981 which suspended the effective date of this rule.

A notice was published April 3, 1981 which suspended the effective date of this rule until May 4, 1981 and requested comments on the suspension.

A notice was published April 29, 1981 which suspended the effective date of this rule until June 15, 1981.

A notice was published June 15, 1981 which suspended the effective date of this rule until August 15, 1981.

A notice was published August 10, 1981 which withdrew the final rule.

Proposed rule was published January 4, 1982.

A notice was published February 8, 1982 which reopended the comment period to February 16, 1982.

30 CFR Parts 701, 715, 816, and 817—Hydrologic Balance

Summary: This rule will revise sedimentation pond and effluent limitation criteria to comply with the latest Environmental Protection Agency rule and eliminate uncertain applicable design criteria.

Originally Scheduled: April 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Jose delRio, 202–343–4022.

Action: Proposed rule was published July 2, 1981; comment period ended September 3, 1981.

30 CFR Parts 701, 776 and 815—Coal Exploration

Summary: This rule will amend the coal exploration permit requirements contained in Part 776 and would redesignate them as Part 772. The performance standards of Part 815 would also be amended. Most of the changes eliminate counterproductive or burdensome regulations. The remaining changes clarify the rules and include, as a proposed change, a new definition of coal exploration as defined in section 701.5.

Originally Scheduled: April 1982.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Stan Zeccolo, 202–343–4022.

Action: A proposed rule is scheduled to be published in April 1982.

30 CFR Parts 715, 816 and 817—General Performance Standards: Variances From AOC Terraces

Summary: This rule will amend sections 715.14(b)(2)(i), 816.102(b)(1) and 817.102(b)(1) to provide increased flexibility in developing post-mining land use alterations without reducing erosion controls, safety and stability.

Originally Scheduled: April 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Charles Myers, 202–343–2184.

Action: Proposed rule was published August 5, 1981; comment period ended September 4, 1981.

30 CFR Parts 716 and 785—Prime Farmland: Interim and Permanent Regulatory Program

Summary: These rules will establish a date from which all grandfathered prime farmlands must begin to comply with the special prime farmland provisions of the Act. This is intended to: give coal operators the time needed to provide a fair and reasonable transition period to meet the prime farmlands reclamation standards; and, meet the need of placing limits on the amount of grandfathering allowed while granting operators an exemption on a pre-August 3, 1977 permit areas, so they may begin to meet the prime farmland requirements after a reasonable transition period.

Originally Scheduled: July 1979.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Don Smith, 202–343–5954.

Action: Proposed rule was published March 22, 1982.

30 CFR Parts 716 and 786—Special Performance Standards: Operations on Steep Slopes

Summary: This rule will resolve conflicts in those situations where a new mining operation affects previously mined lands and the new mining operation will not generate sufficient spoil to completely backfill the highwall (716.2 and 826.12).

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior had determined that this document is not a major rule under E.O. 12291.

Contact: Ray Aufmuth, 202–343–4022.

Action: Proposed rule was published January 7, 1982; comment period closed February 8, 1982.

Final rule is scheduled to be published in April 1982.

30 CFR Parts 725 and 735—Reimbursements to States: Grants for Program Development and Administration and Enforcement

Summary: This rule will amend 30 CFR Parts 725 and 735 which set forth the procedures for the submission, review, approval or disapproval, monitoring and reporting of financial assistance to the States for grants to implement the initial regulatory program, the permanent regulatory

program, and the Small Operator Assistance Program.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Gene Krueger, 2020–343–5361.

Action: Proposed rule was published September 21, 1981.

30 CFR Parts 730, 731, and 732—Definition of "Consistent With"

Summary: This rule will revise the "State Window" provision to allow State regulation to be "as effective as" the Office of Surface Mining regulations (730.5; 731.13; 732.15).

Originally Scheduled: April 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Art Abbs, 202–343–5361.

Action: Proposed rule was published July 1, 1981.

Final rule was published October 28, 1981.

30 CFR Parts 730–736 (Subchapter C)—Permanent Regulatory Programs for Non-Federal and Non-Indian Lands

Summary: This rule will revise Subchapter C to reduce burdens on States and increased State's ability to shape local regulatory programs.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Carl C. Close, 202–343–4225.

Action: Proposed rule was published December 4, 1981; comment period closed January 18, 1982.

30 CFR Part 731—Resubmission of State Programs

Summary: This part will authorize the resubmission of a State program after disapproval and before implementation of a Federal program.

Originally Scheduled: January 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Mary Crouter, 202–343–5361.

Action: Proposed rule was published January 22, 1981.

Final rule was published October 8, 1981.

30 CFR Parts 740–745 (Subchapter D)—Federal Lands Program

Summary: These rules are being revised to: (1) allow a state to more fully assume the primary role for the regulation of surface coal mining and reclamation operations on Federal lands pursuant to section 523(c) of the Act; (2) eliminate portions of the Federal lands regulations which are considered to be excessive, burdensome and counterproductive; (3) bring the regulations into conformity with the reorganization of OSM which was recently approved by the Secretary; (4) include the provisions of an approved state program, in accordance with section 523(a) of the Act, as the minimum requirements for surface coal mining and reclamation operations on Federal lands; and (5) clarify the relationship between the requirements of the Mineral Leasing Act of 1920 and the Surface Mining Control and Reclamation Act of 1977 as they relate to mining plans and permit applications.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Len Richeson, 202–343–5361.

30 CFR Parts 750–759 (Subchapter E)—Permanent Federal Program for Indian Lands

Summary: This rule will apply the permanent surface mining program requirements to Indian Lands.

Originally Scheduled: January 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: H. B. Simpson, 202–343–5866.

30 CFR Parts 760–769 (Subchapter F)—Areas Unsuitable for Mining

Summary: This rule will revise 30 CFR Subchapter F to provide greater procedural flexibility to the States in declaring lands unsuitable for mining.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Carl Close, 202–343–4225.

30 CFR Parts 770–788 (Subchapter G)—Surface Coal Mining and Reclamation Operations Permits and Coal Exploration Systems Under Regulatory Programs

Summary: This rule will revise the permitting requirements of Subchapter G to: (1) suspend the regulations in Subchapter G which are duplicative, unnecessarily detailed or are required by other agencies; and (2) revise the remaining regulations as necessary by emphasizing results to be achieved rather than methods for achievement and by combining subject areas (e.g., hydrology requirements).

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Mary Josie Smith, 202–343–2188.

30 CFR Parts 779, 780, 783, 816 and 817—Surface and Underground Permit Application and General Performance Standards: Revegetation

Summary: This rule will revise the revegetation standards to broaden the approaches available for determining success and to consider other alternatives in addition to reference areas and published technical guides. Performance requirements for post-mining land uses other than cropland will be modified. Tree and shrub shocking rates may be replaced with accepted local and regional reforestation practices. The requirement for a reference area where the post-mining land use is recreation, wildlife management, and other forest uses, and the special performance standard for permits that are 40 acres or less in size will be deleted. The section on introduced species and the period of responsibility will be revised for clarification purposes.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Arlo Dalrymple, 202–343–4320.

Action: Proposed rule was published March 23, 1982.

30 CFR Parts 779, 780, 816 and 817—Surface and Underground Permit Applications and General Performance Standards: Fish and Wildlife

Summary: This rule will revise sections 779.20 and 780.16 to clarify issues raised in the Flannery litigation.

Overburdensome or needless portions of sections 816.57(c) and 816.97 will also be revised or eliminated. The fish and wildlife reclamation plan, 780.16, will be revised to incorporate information on revegetation in 816.97(d)(9)(i).

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: John Parsons, 202–343–4954.

Action: Proposed rule was published March 30, 1982.

30 CFR Parts 779, 783, 785, and 823—Special Permanent Program Performance Standards: Operations on Prime Farmlands

Summary: These rules will be revised to assure that prime farmland soils are returned to their original premining capability by returning the soil horizons in sequence and to a friable rooting medium. In addition, these rules would implement the special planning requirements for prime farmlands required by the permitting sections of the Surface Mining Control and Reclamation Act. The operator would have to demonstrate the technological capability to restore mined prime farmlands to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Don Smith, 202–343–5954.

Action: Proposed rule is scheduled to be published in April 1982.

30 CFR Parts 780, 784, 816, and 817—General Performance Standards: Air Quality

Summary: This rule will revise sections 780.15 and 784.26 to clarify and simplify the permit application requirements concerning air quality. In sections 816.95 and 817.95, suggested procedures for reducing fugitive emissions will be removed and appropriate procedures will be left to the discretion of the regulatory authority.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Robert Goldberg, 202–343–4022.

Action: Proposed rule was published February 18, 1982; comment period closed March 22, 1982

30 CFR Parts 784, 816, 817, and 818—General Performance Standards: Subsidence/Concurrent Surface and Underground Mining

Summary: This rule will revise subsidence requirements to place greater emphasis on surface owner protection. If underground mining results in subsidence that causes material damage or reduces the value of surface lands, the intent is to give the operators the option to: (1) restore, rehabilitate, replace, or purchase the damaged structure or valuable resource of surface land; or (2) compensate the owner for any damage or loss incurred by subsidence. The regulatory authority will have authority to suspend underground coal mining under urbanized areas and areas adjacent to major impoundments or permanent streams if imminent danger to inhabitants of the urbanized areas and communities is found. This rule will also revise Part 818, relating to concurrent surface and underground mining, and will incorporate its provisions with section 816.79. Because there appears to be no clear authorization for Section 816.79(b), beyond aspects which are redundant to other performance standards, consideration will be given to deleting this paragraph.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: C. Y. Chen, 202–343–5261.

30 CFR Part 785—Requirements for Permits for Special Categories of Mining: Experimental Practices

Summary: This rule will revise the permitting regulations to eliminate needless requirements and to reduce the paperwork burden on States and industry for the submission of experimental practice permit requests. The review and approval process will be streamlined to provide quick response to the requestor.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Ray Aufmuth, 202–343–5261.

Action: Proposed rule was published March 19, 1982

30 CFR Parts 785, 816, 817 and 827—Requirements for Permits for Special Categories of Mining, General Performance Standards and Special Performance Standards: Support Facilities

Summary: This rule will provide a new definition of "Support Facilities."

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Art Anderson, 202–343–5214.

30 CFR Parts 785 and 828—Requirements for Permits for Special Categories of Mining and Special Performance Standards: in Situ Processing

Summary: This rule will reword and simplify section 785.22 and Part 828. The essence of the regulations is expected to remain approximately the same.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Robert Goldberg, 202–343–4022.

30 CFR Part 795—Small Operator Assistance

Summary: This rule will revise 30 CFR Part 795 to increase attractiveness of the Small Operator Assistance Program to small operators and to allow greater State control over decisions.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Doug Growitz, 202–343–9104.

30 CFR Parts 800–809 (Subchapter J)—Bond and Insurance Requirements for Bonding of Surface Coal Mining and Reclamation Operations

Summary: This rule will revise Subchapter J in response to comments received and legal, economic and environmental problems raised. The anticipated approach is to deal with types of bonds, such as surety and collateral, separately from the procedures which apply to bonding. Areas which will be covered include: adjustments, forfeiture and releases.

Originally Scheduled: April 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has

determined that this document is not a major rule under E.O. 12291.

Contact: Russ Price, 202–343–4022.

Action: Proposed rule was published September 9, 1981.

30 CFR Parts 801 and 806—Bonding Requirements: Form, Conditions and Terms of Performance Bonds and Liability Insurance

Summary: These rules will suspend self-bonding and surface protection bonding provisions pending the outcome of revisions to 30 CFR Parts 800–809 which were published as proposed rules on September 9, 1981 (801.16 and 806.14).

Originally Scheduled: April 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Russell Price, 202–343–5881.

Action: Proposed rule was published October 26, 1981.

Final rule was published December 7, 1981.

30 CFR Part 806—Self-Bonding

Summary: This rule will be revised to provide parameters for establishing minium criteria for financial solvency and continuous operation as required in Section 509(C) of the Surface Mining Control and Reclamation Act. The amendments will affect sections of the rule which were suspended on December 7, 1981. Those portions which were suspended were found to require excessive information and were overly stringent. This rule will also amend and move the requirements of 30 CFR 806.14 to 30 CFR 800.23.

Originally Scheduled: April 1982.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Russ Price, 202–343–7887.

30 CFR Part 816—General Performance Standards: Impoundments

Summary: A new rule will be developed which is oriented toward performance standards and give the regulatory authority more flexibility in approving design criteria. OSM would require that the impoundments slopes be maintained, the structure be stable, seepage be avoided, water quality criteria not be compatible with its intended use, and that the structures be compatible with its intended use, and that the structure be certified by a registered professional engineer.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Jose Del Rio, 202–343–4022.

30 CFR Parts 816 and 817—General Performance Standards: Roads

Summary: This rule will delete all the existing sections dealing with roads. In its place, rules will be developed providing performance standards. Such performance standards may include avoiding diminution and degradation of surface or groundwater quality and quantity, avoiding alternations of normal stream flow, avoiding erosion and siltation, avoiding air pollution and preventing damage to either private or public property.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Jose Del Rio, 202–343–4022.

30 CFR Parts 816 and 817—General Performance Standards: Explosives

Summary: The direction of this rulemaking will be to clarify the performance goals found in section 515(b)(15) of the Act to allow greater State regulatory authority involvement in defining the degree of health, safety and environmental protection necessary to meet the Federal statute. Areas to be considered for specific revisions include ground vibration standards and distance limits.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Russ Price, 202–343–5854.

Action: Proposed rule was published March 24, 1982.

30 CFR Parts 816 and 817—General Performance Standards: Remining

Summary: This rule will include the development of a new section addressing remining of previously mined areas. Previously-developed rules dealing with these issues will be consolidated into this section. The new rules will deal with highwall elimination, approximate original contour, backfill stability, upslope drainage control, highwall stability, and treatment of overcast spoil on the downslope remaining from initial mining.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Ray Aufmuth, 202–343–5261.

30 CFR Parts 816 and 817—General Performance Standards: Excess Spoil

Summary: This rule will revise the excess spoil regulations to provide primarily performance standards rather than design standards. A technical handbook describing design considerations for disposal of excess spoil material will be developed.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Ray Aufmuth, 202–343–5261.

30 CFR Parts 816 and 817—General Performance Standards: Hydrology

Summary: This rule will provide a major reorganization and clarification of the requirements stipulated in Pub. L. 95–87 for protection of the hydrologic balance. New hydrology regulations will emphasize mining techniques and reclamation practices. Water quality monitoring requirements will be based upon requirements cited in the Surface Mining Act and locally significant needs. They will be geared to streamline data collection and monitoring efforts. The revised regulations will clarify data requirements for determining the probable hydrologic consequences of mining and cumulative impact assessments.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: John Mosesso, 202–343–5261.

30 CFR Parts 816 and 817—General Performance Standards: Land Use Variances

Summary: This rule will reorganize and revise regulations pertaining to post-mining land uses as follows: (1) Organize all principal parts of the regulations that directly influence the post-mining land use into one post-mining use section; (2) Provide separate and distinct requirements for each alternative post-mining land use condition—(a) return to premining use on AOC; (b) new post-mining use on AOC; (c) steep slope variance; mountaintop remove; experimental practices; (3) Clarify the applicability of specific performance standards under

new post-mining land uses; and (4) Clarify the steep slope definition to include the scope of the steep slope post-mining land use variance to the extent permitted by the Act and legislative history.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Charles Myers, 202–343–5587.

30 CFR Parts 816 and 817—General Performance Standards: Coal Processing Waste

Summary: This rule will revise regulations applicable to coal processing waste. Specific items to be addressed include: (1) clearly defining what is a coal processing waste bank and what is a coal processing waste dam or embankment, by taking into consideration the current definitions of "Refuse Pile" and "Impounding Structure" in MSHA's regulation 30 CFR 77.217, and revise the regulation to be more consistent with MSHA's existing regulation on Refuse Piles and Impounding Structures; (2) placing emphasis for periodic safety inspection equally on both coal waste banks and coal waste dams as required in Section 515(f) of the Act (current regulations place more emphasis on coal waste banks); and (3) reducing burdensome language in the existing regulation for coal waste banks to eliminate overburdensome design criteria.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: C. Y. Chen, 202–343–4022.

30 CFR Parts 816 and 817—General Performance Standards: Topsoil

Summary: This rule will revise the topsoil regulations to clarify requirements applicable to approval of substitute material.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Leroy de Moulin, 202–343–5954.

Action: Proposed rule was published March 11, 1982.

30 CFR Parts 816 and 817—Permanent Program Performance Standards: Revegetation

Summary: This rule will reduce the level of design standards and provide states with the opportunity to implement revegetation performance standards and measuring techniques that are specific to the climatic, vegetation and soils conditions that occur in their jurisdictions.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–97.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Arlo Dalrymple, 202–343–5864.

Action: Proposed rule was published March 23, 1982.

30 CFR Parts 816 and 817—Permanent Program Performance Standards: Stream Buffer Zones; Fish, Wildlife and Related Environmental Values

Summary: This rule will: reduce the burdens of existing regulations; change the requirements relating to stream buffer zones, wetland protection, and protection of endangered species; and clarify the relationship between the surface Mining Control and Reclamation Act and the Bald Eagle Act.

Originally Scheduled: April 1982.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: John Parsons, 202–343–5955.

Action: Proposed rule was published March 30, 1982.

30 CFR Parts 816, 817 and 826—General Performance Standards: Backfilling and Grading

Summary: This rule will revise the backfilling and grading regulations to provide a shorter, more streamlined approach which will increase operator flexibility and allow operators the latitude to consider site-specific conditions in meeting the overall performance standards. Specific design criteria will be replaced with general environmental performance standards (816.100–816.106; 817.100–817.106; 826.12).

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Ray Aufmuth, 202–343–5261.

30 CFR Part 819—Special permanent Program Performance Standards: Auger Mining

Summary: This rule will reorganize the regulations to include auger mining as a subpart of 819. Several changes will be proposed to the existing regulations: (1) Deletion of paragraph (a)(1), (a)(2), and (a)(3); (2) Deletion of paragraphs (c)(1), and (3) Revision of paragraph (e).

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Ray Aufmuth, 202–343–5261.

Action: Proposed rule was published March 19, 1982.

30 CFR Part 820—Special Permanent Program Performance Standards: Anthracite Mines in Pennsylvania

Summary: This rule will revise the permanent program regulations in 30 CFR Part 820 that implemented Section 529 of the Surface Mining Control and Reclamation Act of 1977. This revision reflects changes in the anthracite environmental provisions promulgated by the Commonwealth of Pennsylvania since August 3, 1977.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: John Mosesso, 202–343–5261.

30 CFR Part 822—Special Permanent Program Performance Standards: Operations in Alluvial Valley Floors

Summary: This rule will revise the requirements relating to alluvial valley floors. Proposed changes will include: (1) deleting the detailed application information requirements from the rules and placing them in a revised handbook; (2) correcting issues raised in the Flannery Round #1 litigation, including deleting the requirement for one year of baseline hydrologic data and clarifying the definition of "significance" and "material damage;" and (3) revising existing alluvial valley floors to reflect conditions in New Mexico, Utah and North Dakota.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–87.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Dean Hunt, 202–343–5981.

30 CFR Part 825—Special Permanent Program Performance Standards: Special Bituminous Coal Mines in Wyoming

Summary: This rule will continue to set forth the provisions which identify those operations in Wyoming that qualify as special bituminous coal mines. The only significant change will be the incorporation by reference of the approved Wyoming statutory and regulatory program.

Originally Scheduled: October 1981.
Authority: Pub. L. 95–87.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Lewis McNay, 202–343–7881.
Action: Proposed rule was published January 4, 1982.

30 CFR Part 826—Special Permanent Program Performance Standards: Excess Spoil on Existing Benches

Summary: This rule will revise the steep slope mining requirements and reorganize them so that they can be incorporated with other performance standards for surface coal mining and reclamation operations.

Originally Scheduled: April 1981
Authority: Pub. L. 95–87.
Determination of Effects: The Department of the Interior has detemined that this document is not a major rule under E.O. 12291.
Contact: Ray Aufmuth, 202–343–5261.
Action: Proposed rule was published July 20, 1981.

30 CFR Part 840–845 (Subchapter L)—Permanent Program Inspection and Enforcement Procedures

Summary: This rule will revise 30 CFR Subchapter L to simplify inspection and enforcement procedures.

Originally Scheduled: October 1981.
Authority: Pub. L. 95–87.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Action: Proposed rule was published December 1, 1981; comment period closed February 1, 1982.
Final rule is scheduled to be published in April 1982.

30 CFR Part 845—Escrow-Indigency

Summary: Section 845.19 of this Part will be amended to provide for a partial or total waiver of penalty repayment requirements to contest either the amount of the penalty or fact of the violation for permittees that are insolvent and do not have the necessary funds to place in the Department escrow account and continue in business.

Originally Scheduled: April 1982.
Authority: Pub. L. 95–87.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Carl Pavetto, 202–343–5384.
Action: Proposed rule is scheduled to be published in July 1982

30 CFR Part 850—Training, Examination and Certification of Blasters

Summary: This rule will establish minimum requirements for training and certifying persons involved in blasting surface coal mining operations and will simplify the provisions of the Part in order to leave as much flexibility as possible to State regulatory authorities.

Originally Scheduled: October 1981.
Authority: Pub. L. 95–87.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Jerry Ennis, 202–343–7887.
Action: Proposed rule was published March 24, 1982.

30 CFR Parts 870–889 (Subchapter R)—Abandoned Mine Land Reclamation

Summary: This rule will streamline the requirements of 30 CFR Subchapter R relating to abandoned mine land reclamation.

Originally Scheduled: October 1981.
Authority: Pub. L. 95–87.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Don Willen, 202–343–4012.
Action: Proposed rule was published December 11, 1981.
Final rule is scheduled to be published in May 1982.

30 CFR Parts 900, 904, 906, 915, 916, 918, 920, 924, 925, 926, 931, 934, 936, 943, 944, 948, and 950—State Programs

Summary: This rule will provide an introdution to Subchapter T and make amendments to certain parts to incorporate by reference the approved State regulatory programs.

Originally Scheduled: January 1980.
Authority: Pub. L. 95–87.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: George Stone, 202–343–5361.

30 CFR Parts 906, 920, 931, 934, 944, 948, and 950—State Programs

Summary: This rule will modify the deadlines for seven States (Colorado, Maryland, New Mexico, North Dakota, Utah, West Virginia, and Wyoming) to meet conditions on their approved State permanent regulatory programs.

Originally Scheduled: April 1981.
Authority: Pub. L. 95–87.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Mary Crouter, 202–343–5361.
Action: Proposed rule was published June 26, 1981; comment period ended July 27, 1981.
Final rule was published October 30, 1981.

30 CFR Subchapter T—State Program Approvals

Summary: This Subchapter will contain approvals of State programs for regulatory authority in States to administer the Surface Mining Control and Reclamation Act. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: January 1980.
Authority: Pub. L. 95–87.
Determination of Effects: Unless otherwise indicated, the Department of the Interior has determined that these documents are not major rules under E.O. 12291.
Contact: Art Abbs. 202–343–5361.
Action: Alabama (901)—Disapproval October 16, 1980: Resubmitted January 11, 1982.
Arizona (903)—Federal program is scheduled to be proposed in August 1982.
Arkansas (904)—Conditional Approval November 21, 1980; Conditions removed January 22, 1982.
California (905)—Federal program is scheduled to be proposed in July 1982.
Colorado (906)—Conditional Approval December 15, 1980.
Georgia (910)—Federal program was proposed September 15, 1980.
Idaho (12)—Federal program is scheduled to be proposed in July 1982.
Illinois (913)—Partial Approval October 31, 1980 Resubmitted December 22, 1981.
Indiana (914)—Partial Approval November 25, 1980; Resubmitted September 28, 1981.
Iowa (915)—Partial Approval October 16, 1980; Conditional Approval January 21, 1981.
Kansas (916)—Partial Approval September 4, 1980; Conditional Approval January 21, 1981.
Kentucky (917)—Partial Approval October 22, 1980; Resubmitted December 30, 1981.
Maryland (920)—Conditional Approval December 1, 1980; Conditions removed February 18, 1982.

Massachusetts (921)—Federal program is scheduled to be proposed in August 1982: Federal coal exploration program was proposed January 5, 1981; Final Federal coal exploration program is scheduled to be published in May 1982.

Michigan (922)—Federal program is scheduled to be proposed in June 1982: Federal coal exploration program was proposed June 5, 1981; Final Federal coal exploration program is scheduled to be published in May 1982.

Missouri (925)—Conditional Approval November 21, 1980.

Montana (926)—Conditional Approval April 1, 1980; Conditions removed February 11, 1982.

Nebraska (927)—Federal program is scheduled to be proposed in September 1982.

Nevada (928)—Federal program is scheduled to be proposed in August 1982.

New Mexico (931)—Conditional Approval December 31, 1980.

North Carolina (933)—Federal program is scheduled to be proposed in August 1982.

North Dakota (934)—Conditional Approval December 15, 1980.

Ohio (935)—Disapproval October 1, 1980; Resubmitted January 22, 1982.

Oklahoma (936)—Partial Approval October 10, 1980; Conditional Approval January 19, 1981.

Oregon (937)—Federal program is scheduled to be proposed in June 1982: Federal coal exploration program was proposed January 5, 1982; Final Federal coal exploration program is scheduled to be published in May 1982.

Pennsylvania (938)—Disapproval October 22, 1980; Resubmitted January 25, 1982.

Rhode Island (939)—Federal program is scheduled to be proposed in June 1982: Federal coal exploration program was proposed January 5, 1982; Final Federal coal exploration program is scheduled to be published in May 1982.

South Dakota (941)—Federal program is scheduled to be proposed in July 1982.

Tennessee (942)—Partial Approval October 10, 1980; Resubmitted February 3, 1982.

Utah (944)—Partial Approval October 24, 1980; Conditional Approval January 21, 1981.

Virginia (946)—Partial Approval October 22, 1980; Conditional Approval December 15, 1981.

Washington (947)—Federal program is scheduled to be proposed in June 1982.

West Virginia (948)—Partial Approval October 20, 1980; Conditional Approval January 21, 1981.

Wyoming (950)—Partial Approval March 31, 1980; Conditional Approval November 26, 1980.

30 CFR Subchapter T—Abandoned Mine Reclamation Plans

Summary: This Subchapter will incorporate the abandoned mine reclamation plans for various States which have approved permanent regulatory programs. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: April 1981.

Authority: Pub. L. 95–87.

Determination of Effects: Unless otherwise indicated, the Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Contact: Charles Beasley, 202–343–4012.

Action: Alabama (901)—Proposed rule was published August 6, 1981.

Arkansas (904).

Colorado (906)—Proposed rule was published March 26, 1982.

Illinois (913)—Proposed rule was published July 28, 1981.

Indiana (914)—Proposed rule was published Janaury 21, 1982.

Iowa (915).

Kentucky (917)—Proposed rule was published August 6, 1981.

Maryland (920)—Proposed rule was published April 1, 1982.

Michigan (922).

North Dakota (934)—Proposed rule was published October 6, 1981. Final rule was published December 23, 1981.

Ohio (935)—Proposed rule was published October 28, 1980.

Oklahoma (936)—Proposed rule was published October 6, 1981. Final rule was published January 21, 1982.

Pennsylvania (938)—Proposed rule was published November 13, 1981.

Tennessee (942).

Utah (944).

Virginia (946)—Proposed rule was published November 5, 1980. Final rule was published December 15, 1981.

Washington (947).

Wyoming (950).

30 CFR Subchapter T—State-Federal Cooperative Agreements

Summary: This Subchapter will incorporate the State-Federal Cooperative Agreements for the permanent regulatory programs on Federal lands in various States. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: January 1980.

Authority: Pub. L. 95–87.

Determination of Effects: Unless indicated otherwise, the Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Contact: Andy DeVito, 202–343–5361.

Action: Colorado (906)—Proposed rule was published February 2, 1982; comment period closed April 5, 1982.

New Mexico (931)—Proposed rule is scheduled to be published in May 1982.

North Dakota (934)—Proposed rule is scheduled to be published in May 1982.

Utah (944)—Proposed rule was published March 31, 1982.

Virginia (946).

West Virginia (948)—Proposed rule is scheduled to be published in June 1982.

U.S. Fish and Wildlife Service

43 CFR Part 24—National Fish and Wildlife Policy: State-Federal Relationships

Summary: This rule will be revised to clarify and support the authorities and responsibilities of state and Federal agencies with respect to fish and wildlife resources and to enhance cooperative relationships in the implementation of scientifically-based resource management programs. The revisions will replace the provisions currently found in 43 CFR Part 24 which are outdated.

Originally Scheduled: April 1982.

Authority: 43 U.S.C. 1201.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Adam A. Sokoloski, 202–343–4328.

50 CFR Chapters I and IV—Endangered Species Act Rules

Summary: On August 12, 1981, Vice President Bush announced that the Departments of the Interior and Commerce would conduct a review of procedures implementing the Endangered Species Act to determine whether they meet the objectives of E.O. 12291. This review will evaluate suggested changes in the statute, existing or proposed rules, management practices, or inter- and intra-agency agreements, and will determine what actions are necessary to attain the objectives of E.O. 12291.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 1531 et seq.

Contact: Ronald E. Lambertson 202–343–4646.

50 CFR Parts 1 and 2—Definitions and Field Organization

Summary: These parts, which are scheduled for review, provide general definitions and locations of regional and area offices.

Originally Scheduled: January 1981.

Authority: 5 U.S.C. 301.
Contact: Arthur J. Ferguson, 202–653–8770.

50 CFR Part 3—Nondiscrimination: Contracts, Permits and Facilities

Summary: This part, which is scheduled for review, prohibits discrimination in contracts, permits and use of facilities of the service.
Originally Scheduled: January 1981.
Authority: 5 U.S.C. 301; 42 U.S.C. 2000d–1; E.O. 10925; E.O. 11114
Contact: Samuel Lyons, 202–343–5486.

50 CFR Part 10, Subpart B—Definitions

Summary: The list of migratory birds found at 50 CFR 10.13 would be amended by adding formerly unprotected species which are covered by the convention concluded with the Union of Soviet Socialist Republics for conservation of migratory birds and their environment. Also, the laughing gull, which was inadvertently omitted when the list was last revised, would be restored. Several species of birds belonging to groups protected under conventions concluded with Canada and Mexico have recently been found in the United States and would also be added to the list. The Mexican duck, which is no longer found in the United States, would be deleted from the list; Mexican-like ducks which are found in the Southwestern United States would continue to be protected as hybirds of the mallard, a migratory bird.
Originally Scheduled: July 1980.
Authority: 16 U.S.C. 704, 712.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: John Rogers, 202–254–3207.

50 CFR Part 10—General Provisions

Summary: This part, which is scheduled for review, provides definitions, the list of migratory birds, and law enforcement district locations and jurisdictions.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 703–711; 16 U.S.C. 742a-l; 16 U.S.C. 1531–43; 18 U.S.C. 42–44.
Contact: Clark R. Bavin, 202–343–9242.

50 CFR Parts 11 and 12—Civil Procedures; Seizure and Forfeiture Procedures

Summary: As a result of review, the Service has determined that this rule should be revised in order to implement the Lacey Act Amendments of 1981.
Originally Scheduled: October 1981.
Authority: 16 U.S.C. 1540; 18 U.S.C. 42; 16 U.S.C. 668–668dd, 704–718, 742, 1382, 3371–3378.
Contact: Clark R. Bavin, 202–343–9242.

50 CFR Part 12, Subpart D—Disposal of Forfeited or Transferred Property

Summary: Property (including wildlife, equipment, cargo, vessels, or aircraft forfeited or transferred to the United States under the provisions of 50 CFR Part 12 would be subject to disposal at the discretion of the Director by any of the following means: (1) utilization by the Service for official purposes; (2) transfer to another government agency for official use; (3) conditional loan; (4) sale (except wildlife listed as "endangered" in 50 CFR 17.11, listed in Appendix I in 50 CFR 23.23, protected under the Migratory Bird Treaty Act, or protected under the Eagle Protection Act); (5) destruction; and, (6) return to the wild in the case of live wildlife.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 7421.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Clark R. Bavin, 202–343–9242.

Action: Proposed rule was published September 21, 1981.
Final rule is scheduled for publication in April 1982

50 CFR Parts 13–18, 21–23—Permit Procedures

Summary: These parts would be revised (1) to provide consolidated permit requirements common to all parts into Part 13; (2) to revise the schedule of fees to accompany permit applications; and (3) to establish an appeals procedure for denials of permit applications.
Originally Scheduled: April 1981.
Authority: 16 U.S.C. 703–11; 16 U.S.C. 742a–l; 16 U.S.C. 1531–43; 18 U.S.C. 42–44.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Richard M. Parsons, 703–235–1937.
Action: Proposed rule was published September 18, 1981.

50 CFR Part 14—Importation, Exportation, and Transportation of Wildlife

Summary: The Service would revise 50 CFR Part 14 to make a number of changes involving: (1) the use of designated, border, or special ports, (2) the filing of import or export declarations, (3) the licensing of persons engaged in business as importers or exporters of fish or wildlife, and (4) marking and labeling containers or packages of fish or wildlife.
Originally Scheduled: October 1981.
Authority: 16 U.S.C. 704, 712; 16 U.S.C. 1382; 16 U.S.C. 1538(d)–(f); 16 U.S.C. 3371–3378.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Clark R. Bavin, 202–343–9242

50 CFR Part 14—Humane Transport of Wild Animals and Birds

Summary: Section 9(d) of the Lacey Act Amendments of 1981 shifts authority for prescribing requirements for the humane and healthful transport of wild animals and birds from the Secretary of the Treasury to the Secretary of the Interior. This authority will be promulgated in Part 14.
Originally Scheduled: April 1982.
Authority: Pub. L. 97–79, 95 Stat. 1073.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Richard M. Parsons, 703–235–2418.
Action: A Notice announcing a public meeting was published February 26, 1982.

50 CFR Part 16—Injurious Wildlife

Summary: As a result of review, the Service is investigating the possibility of adding the "raccoon dog" (Nyctereutes procyonoides) to the list of injurious wildlife.
Originally Scheduled: January 1981.
Authority: 18 U.S.C. 42.
Contact: Jim F. Gillett, 202–632–7463.
Action: A Notice requesting data on the species was published December 1, 1981.

50 CFR Part 17, Subpart C—Endangered Wildlife; Subpart D—Threatened Wildlife

Summary: Self-defense rules found at 50 CFR 17.21 and 17.31 for endangered and threatened wildlife, respectively, would be revised to conform to the Endangered Species Act Amendments of 1978. Under the revision, the taking of endangered or threatened wildlife in good faith for the protection of oneself or others from bodily harm would be a defense to a civil penalty assessment or a criminal prosecution.
Originally Scheduled: July 1980.
Authority: 16 U.S.C. 1540(a)–(b).
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Clark R. Bavin, 202–343–9242.

30 CFR Part 17—Endangered and Threatened Wildlife and Plants

Summary: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: January 1981.

Authority: 16 U.S.C. 1531–1543.

Determination of Effects: Unless otherwise indicated, the Department of the Interior has determined that these documents are not a major rules under E.O. 12291.

Contact: John L. Spinks, 703–235–2771.

Action: Pine Barreks treefrog (Delist).

Short-tailed albatross (U.S. population)—Proposed rule was published July 25, 1980.

Thick-billed parrot (U.S. population)—Proposed rule was published July 25, 1980.

Four Yaqui River fishes.

Borax Lake chub—Proposed rule was published October 16, 1980.

Chihuahua chub—Proposed rule was published December 15, 1980.

Ocelot (U.S. population)—Proposed rule was published July 25, 1980.

Key Largo woodrat and Key Largo cotton mouse.

Agave arizonica.

Tree cactus (cereus robbinii).

'Ewa, Plains 'akoko—Proposed rule was published September 12, 1980.

Ashy dogweed.

Johnston frankenia.

Navasato Ladies' tresses—Proposed rule was published June 18, 1980.

Heliotrope milk-vetch—Proposed rule was published January 13, 1981.

Osgood Mountain milk-vetch.

McKittrick pennyroyal—Proposed rule was published August 15, 1980.

Walden phacelia—Proposed rule was published September 2, 1980.

Malheur wire-lettuce—Proposed rule was published October 31, 1980.

Monito gecko—Proposed rule was published October 22, 1980.

18 foreign reptiles.

Hawksbill sea turtle (Critical Habitat)—Proposed rule was published October 22, 1980.

Madison Cave isopod—Proposed rule was published October 6, 1980.

Hay's spring amphipod—Proposed rule was published July 25, 1980. Final rule was published February 5, 1982.

Utah prairie dog (Downlist).

Florida torreys.

San Benito evening-primrose.

Eight foreign mammals.

Leopard (Downlist)—Proposed rule was published June 16, 1980. Comment period was re-opended and extended to September 30, 1981. Final rule was published January 28, 1982.

12 Pacific islands birds and mammals.

Least Bell's vireo.

Kusche's fleabane and Blumer's dock.

Small-whorled pogonia—Proposed rule was published September 11, 1980.

Silverling—Proposed rule was published October 27, 1980.

Rigid white-topped aster.

Bradshaw lomatium.

Amargosa vole.

Maguire fleabane.

50 CFR Part 17, Subpart A—Introduction and General Provisions

Summary: The Service will amend 50 CFR 17.4 to give pre-Act exempt status to wildlife which otherwise qualifies only if it was not held in the course of a commercial activity on or after December 28,1973.

Originally Scheduled: January 1981.

Authority: 16 U.S.C. 1531–1543.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Clark R. Bavin, 202–343–9242.

50 CFR Part 17—Endangered and Threatened Wildlife and Plants

Summary: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habit.

Originally Scheduled: April 1981.

Authority: 16 U.S.C. 1531–1543.

Determination of Effects: Unless otherwise indicated, the Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Contact: John L. Spinks, 703–235–2771.

Action: Bidens cuneate.

Diamond Head schiedea.

Carter's panicgrass—Proposed rule was published January 30, 1981.

Eight foreign birds.

17 foreign birds (Reclassify).

Monte Neva Indian paintbrush.

Fresno Kangaroo rat.

American Alligator (Texas: Delist).

Lakela's mint.

Texas snowbells.

Cliffrose.

Flagstaff pennyroyal.

San Francisco Peaks groundsel.

Little Colorado River Spinedace.

Warner sucker.

Hutton Spring tui chub.

Foskett Springs speckled dace.

Desert pupfish.

Desert dace.

Amargosa speckled dace.

Laramie false sagebrush.

Wyoming toad.

Bonneville cutthroat.

Tecopa pupfish (Delist)—Proposed rule was published July 3, 1978. Final rule was published January 15, 1982.

12 U.S. birds (Reclassify)

50 CFR Part 17—Endangered and Threatened Wildlife and Plants, Subpart D—Threatened Wildlife

Summary: Revision of threatened wildlife regulations to allow exceptions for certain non-commercial imports; revision of special rule for African elephant to focus regulations on imports.

Originally Scheduled: January 1980.

Authority: 16 U.S.C. 1531–1543.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Richard M. Parsons, 703–235–1937.

Action: Proposed rule published July 17, 1981. Correction published August 25, 1981.

50 CFR Part 17—Endangered and Threatened Wildlife and Plants, Subpart A—Introduction and General Provisions

Summary: This rule revised regulations defining "harm" under the Endangered Species Act. Various interpretations of "harm" have led to confusion in the use of the term.

Originally Scheduled: April 1981.

Authority: 16 U.S.C. 1531–43.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: John L. Spinks, Jr., 703–235–2771.

Action: Proposed rule was published June 2, 1981.

Final rule was published November 4, 1981.

50 CFR Part 17—Endangered and Threatened Wildlife and Plants

Summary: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 1531–1543.

Determination of Effects: Unless otherwise indicated, the Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Contact: John L. Spinks, Jr., 703–235–2771.

Action: Giant kangaroo rat.

Modoc sucker.

Railroad Valley springfish.

White River spinedace.

White River springfish.

Bluntnose shiner.
Loach minnow.
Spikedace.
Ash Meadows pupfish.
Big Springs spinedace.
Fish Springs tui chub.
Hiko White River springfish.
Koki'o.
Ko'oloa 'ula.
Nau paka.
Cyanea superba.
Gardenia brighamii.
Gouania hillebrandii.
Pedate checker mallow.
Slender petaled thelypodium.
Uhiuhi.
Barneby cat's-eye.
Neoparrya lithophila.
Toadflax cress.

50 CFR Part 17—Endangered and Threatened Wildlife and Plants

Summary: Regulations will be proposed which would reclassify or delist, as appropriate, certain species of fish or wildlife.
Originally Scheduled: October 1981.
Authority: 16 U.S.C. 1531–1543.
Determination of Effects: Unless otherwise indicated, the Department of the Interior has determined that these documents are not major rules under E.O. 12291.
Contact: John L. Spinks, Jr., 703–235–2771.
Action: Collumbia white-tailed deer.
Red-browed parrot.
Torquoise night parakeet.
Pacific Island birds (5).
Santa Barbara song sparrow.
Arctic peregrine falcon.
Yuma clapper rail.
Eastern brown pelican.
Pecos gambusia.
Longjaw cisco.
Blue pike.
Silver pincushion cactus.

50 CFR Part 17—Endangered and Threatened Wildlife and Plants

Summary: Rules will be developed to list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify critical habitat.
Originally Scheduled: April 1982.
Authority: 16 U.S.C. 1531 et seq.
Determination of Effects: The determinations as to whether these documents are major rules under E.O. 12291 have not been made at this time.
Contact: John L. Spinks, 703–235–2771.
Action: Kentucky cave shrimp—Proposed rule was published October 10, 1980.
Wood stork.
Large-flowered fiddleneck
San Mateo thornmint.

50 CFR Part 17—Endangered and Threatened Wildlife and Plants

Summary: The Service is reviewing the status, as required by the Endangered Species Act, of Wildlife and plants that were listed as endangered or threatened at least once every five years. Based on the reviews, the species determined to have a change in status will be proposed for more or less restrictive listing, as appropriate.
Originally Scheduled: April 1982.
Authority: 16 U.S.C. 1531 et seq.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: John L. Spinks, 703–235–2771.

50 CFR Part 17—Endangered and Threatened Wildlife and Plants

Summary: This rule will be revised to return management of the Gray Wolf (Canis Lupus) to the State of Minnesota. The special rules that apply to the wolf in 50 CFR 17.40(d) will be modified.
Originally Scheduled: April 1982.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Ron Lambertson, 202–343–4646.

50 CFR Part 17, Subpart D—Threatened Wildlife

Summary: At the request of State, Federal and private parties, the special rule on the American alligator, found in 50 CFR 17.42(a), will be reviewed in order to determine whether to revise or revoke certain prohibitions and procedures. Areas to be considered during the review include: present prohibitions on export of meat and parts other than hides; need for serially numbering each tag applied to hides; need for a Federal permit to kill alligators legally held under State Alligator Farmer permits; and use of data collected from reports required of permittees.
Originally Scheduled: April 1982.
Authority: 16 U.S.C. 1531–1543.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Richard M. Parsons, 703–235–1903.

50 CFR Part 18—Marine Mammals

Summary: The Service will propose rules that would require the marking, tagging, or otherwise identifying of raw parts of certain lawfully taken marine mammals, including those taken by Alaska Natives for purposes of subsistence or the creation and selling of authentic native articles of handicrafts and clothing. Except for scientific research purposes, the rules would also prohibit exportation of raw parts of these marine mammals from Alaska and the sale of such parts, other than those that are edible, to persons other than resident Alaska Natives. These rules are necessary for management purposes.
Originally Scheduled: July 1980.
Authority: 16 U.S.C. 1382(a).
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Jim F. Gillett, 202–632–7463.

50 CFR Part 18—Marine Mammals

Summary: As a result of review and revisions to the Marine Mammal Protection Act, this rule will be revised to: (1) simplify the procedures for transfer of marine mammal management authority to the States; (2) determine if regulations concerning "incidental taking" are necessary; and (3) determine if regulations concerning waiver of the moratorium on importing marine mammals are necessary.
Originally Scheduled: October 1981.
Authority: 16 U.S.C. 1371 et seq.
Contact: Jim F. Gillett, 202–632–7463.
Action: A Notice requesting data on "incidental taking" was published March 8, 1982.

50 CFR Part 18—Marine Mammals, Subpart D—Special Exceptions

Summary: This rule is being revised to ease the burden of permit procedures for scientific research and public display.
Originally Scheduled: January 1980.
Authority: 16 U.S.C. 1371–1407.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Richard M. Parsons, 703–235–1937.

50 CFR Part 20, Subpart M—Wildlife Development Areas

Summary: Procedures found at 50 CFR 20.141–143 for the establishment of wildlife development areas on lands outside the National Wildlife Refuge System have been revoked.
Originally Scheduled: January 1980.
Authority: 16 U.S.C. 703–712.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Clark R. Bavin, 202–343–9242.
Action: Proposed rule was published July 11, 1979.

Final rule was published December 1, 1981.

50 CFR Part 20—Migratory Bird Hunting

Summary: The Service will publish a series of documents establishing migratory bird hunting regulations for the 1982–83 season. The documents consist of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 703–711.

Determination of Effects: The Department of the Interior has determined that these documents are major rules under E.O. 12291. These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the reguatory schedule be shortened.

The Department has also determined that these rules will have a significant economic effect on a substantial number of small entities and requires a small entity flexibility analysis under Pub. L. 96–354.

Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners leasing hunting rights, and mail order houses selling hunting equipment and supplies.

The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by Pub. L. 96–354, have been combined into one analysis as provided for by both authorities. Copies of the analysis are available from the Contact.

Contact: John P. Rogers, 202–254–3207.

Action: A Notice of Intent to propose frameworks is scheduled to be published in April 1982.

Proposed frameworks (3) are scheduled to be published in May, July and August 1982.

Final frameworks (3) are scheduled to be published in July and September 1982.

Final rules (2) are schedules to be published in mid-August and mid-September 1982.

Notices of meetings and public hearings are scheduled to be published in March, May and July 1982.

The summary of the updated, combined final small entity flexibility analysis and final regulatory analysis will be contained in the first proposed rulemaking document scheduled for publication in March 1982.

50 CFR Part 20, Subpart N—Special Procedures

Summary: This rule established special procedures for issuance of annual migratory bird hunting regulations.

Originally Scheduled: January 1981.

Authority: 16 U.S.C. 703 et. seq.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: John P. Rogers, 202–254–3207.

Action: Proposed rule was published December 17, 1980.

Final rule was published December 22, 1981.

50 CFR Part 20, Subpart C—Taking

Summary: The Service will amend the hunting methods for taking migratory game birds to permit the use of crossbows.

Originally Scheduled: April 1981.

Authority: 16 U.S.C. 703–712.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Clark R. Bavin, 202–343–9242.

50 CFR Part 20—Non-Toxic Shot Areas for Waterfowl Hunting

Summary: This rule will be revised to describe areas in four States where non-toxic shot is required for waterfowl hunting. The proposed amendment is in response to requests in February 1982 by the wildlife agencies in Maine, Massachusetts, Nebraska, and Indiana (20.108).

Originally Scheduled: April 1982.

Authority: 16 U.S.C. 703–711.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Robert I. Smith, 202–254–3207.

50 CFR Part 21—Migratory Bird Permits, Subpart C—Specific Permit Provisions

Summary: Adding additional States to the States listed in 50 CFR 21.29(k) whose falconry laws have been determined by the Director to meet or exceed the Federal minimum standards. In such States falconry is permitted under a system of joint Federal-State permits.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 703–712.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Clark R. Bavin, 202–343–9242.

50 CFR Part 21—Migratory Bird Permits

Summary: Raptors (birds of prey) that were held in captivity or a controlled environment on November 10, 1978, and the offspring of these birds, are exempt from the prohibitions of the Endangered Species Act of 1973. Falconry permits (50 CFR 21.28) and Federal falconry standards (50 CFR 21.29) would be amended to allow exempted raptors to be used in the sport of falconry. A new section authorizing the issuance of raptor propagations permits would be added.

Originally Scheduled: April 1982.

Authority: 16 U.S.C. 1538(b), 704 and 712.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Clark R. Bavin, 202–343–9242.

50 CFR Part 22, Subpart C—Eagle Permits

Summary: Potential conflicts between the prohibitions of the Eagle Protection Act, 16 U.S.C. 668–668d, and resource development and recovery operations throughout the country, particularly future coal mining activities in the Western States, resulted in Congress amending the Act to allow the Secretary to promulgate regulations which permit the taking of golden eagle nests which interfere with resource development or recovery operations. To implement the amendment, the Service would amend Subpart C to allow and regulate the otherwise prohibited destruction or removal of golden eagle nests which interfere with resource development or recovery operations, if the nests are not under construction or occupied and the taking is compatible with the preservation of the golden eagle.

Originally Scheduled: May 1978.

Authority: 16 U.S.C. 668a.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Clark R. Bavin, 202–343–9242.

Action: Proposed rule was published January 3, 1980.

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

50 CFR Part 23—Endangered Species Convention

Summary: The regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora will be clarified and revised to incorporate certain recommendations of the Parties.
Originally Scheduled: January 1980.
Authority: 16 U.S.C. 1531–1543; TIAS 8249.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Richard M. Parsons, 703–235–1937.

50 CFR Part 23, Subpart C—Appendices

Summary: This rule would amend the list of species contained in 50 CFR 23 by removing from Appendix II the bobcat, which was listed in 1976 without supporting evidence and which is not a currently or potentially threatened species.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 1531–43; TIAS 8249.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Richard L. Jachowski, 202–653–5948.
Action: Notice of potential United States proposal was published September 14, 1981.
Proposed rule was published January 11, 1982.

50 CFR Part 23, Subpart F—Export of Certain Species

Summary: This subpart lists States from which certain species listed in Appendix II of the Endangered Species Convention (CITES) may be exported. It is amended yearly.
Originally Scheduled: April 1982.
Authority: 16 U.S.C. 1531–43; TIAS 8249.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time,.
Contact: Richard L. Jachowski, 202–653–5948

50 CFR Part 23, Subpart C—Appendices

Summary: This subpart lists species included in Appendices I, II and III of the Endangered Species Convention (CITES). It is amended to reflect any charges in the Appendices that occur through the formal procedures established by the Convention. Most such charges occur biennially at meetings of the party nations.
Originally Scheduled: April 1982.
Authority: 16 U.S.C. 1531–1543; TIAS 8249.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Richard L. Jachowski, 202–653–5988.
Action: Preliminary Notices were published February 16, 1982 and February 17, 1982.

50 CFR Part 24—Importation, Exportation and Transportation of Plants

Summary: This part will establish designated ports for the importation, exportation and re-exportation of plants.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 1531–1543.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Clark R. Bavin, 202–343–9242.

50 CFR Parts 25–31—Administrative Provisions; Public Entry and Use; Prohibited Act; Enforcement, Penalty and Procedural Requirements; Land Use Management

Summary: These parts, which are scheduled for review, provide a variety of administrative functions of the National Wildlife Refuge System.
Originally Scheduled: October 1981.
Authority: 16 U.S.C. 685, 690d, 725, and 460k.
Contact: William C. Reffalt, 202–343–4791.

50 CFR 26, Subpart C—National Wildlife Refuges

Summary: The emergency management rules for the twelve areas in Alaska, which were withdrawn and reserved as National Wildlife Refuges, will be rescinded.
Originally Scheduled: July 1980.
Authority: 16 U.S.C. 668dd et seq.; Section 204(c), Withdrawal Proclamation of February 11, 1980 (45 FR 9562).
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: William C. Reffalt, 202–343–4791.
Action: Emergency rule was published March 4, 1980.

50 CFR Parts 26, 32 and 33—Public Entry and Use, Hunting and Fishing

Summary: Regulations will be proposed which will simplify and reduce administrative costs related to the process in which special regulations, relating to public access and use, hunting and fishing, are issued for units of the National Wildlife Refuge System. Regulations will be issued to amend or relax the public access and use restrictions for individual national wildlife refuges.
Originally Scheduled: April 1981.
Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: William C. Reffalt, 202–343–4791.

50 CFR Part 27—Prohibited Acts

Summary: Regulations will be proposed to prohibit the possession of any animal or plant on a National Wildlife Refuge except as authorized by 50 CFR Subchapter C.
Originally Scheduled: April 1981.
Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: William C. Reffalt, 202–343–4791.

50 CFR Part 29, Subpart A—General Rules

Summary: This subpart will be revised to include new rules which govern non-Federal activities affecting waterfowl production area easements.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd et seq.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: William C. Reffalt, 202–343–4791.

50 CFR Part 29, Subpart C—Mineral Operations

Summary: This subpart will be revised to include new rules which govern mining on areas within the National Wildlife Refuge System.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd et seq.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: William C. Reffalt, 202–343–4791.
Action: Proposed rule was published December 31, 1980.
The information collection requirements contained in this rule will be submitted to the Office of

Management and Budget for approval as required by 44 U.S.C. 3507.

50 CFR Part 32, Subpart A—General Provisions

Summary: This subpart will be revised to rescind a closure of Malheur National Wildlife Refuge, Oregon, which was previously closed to migratory bird hunting.

Originally Scheduled: January 1981.

Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd et seq.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: William C. Reffalt, 202–343–4791.

50 CFR Part 32, Subpart B—Migratory Game Bird Hunting; Subpart C—Resident Game Hunting

Summary: Regulations have been published which add the following National Wildlife Refuges to the list of:

Open areas (migratory game birds)—

Overflow Creek NWR, AR; Bogue Chitto NWR, LA; Mathews Brake NWR, MS; Lamesteer NWR, MT; Cedar Island NWR, NC; Lower Hatchie NWR, TN; Trempealeau NWR, WI.

Open areas (upland game)—

Overflow Creek NWR, AR; Lower Suwannee NWR, FL; Bogue Chitto NWR, LA; Mathews Brake NWR, MS; Lamesteer NWR, MT; Lower Hatchie NWR, TN; Trempealeau NWR, WI.

Open areas (big game)—

Overflow Creek NWR, AR; Lower Suwannee NWR, FL; Bogue Chitto NWR, LA; Mathews Brake NWR, MS; Lamesteer NWR, MT; Mackay Island NWR, NC; Lake Zahl NWR, ND; Lower Hatchie NWR, TN; Trempealeau NWR, WI.

Originally Scheduled: April 1981.

Authority: 16 U.S.C. 460d; 16 U.S.C. 668dd.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Willaims C. Reffalt, 202–343–4791.

Action: Proposed rule was published September 1, 1981.

Final rule was published December 14, 1981.

50 CFR Part 32—Hunting, Subpart B—Migratory Game Bird Hunting, Subpart C—Resident Game Hunting

Summary: Regulations will be proposed which would add the following National Wildlife Refuges to the List of open areas (migratory game birds); Delta NWR, LA; Washita NWR, OK; Trempealeau NWR, WI; Proposed additions to the list of open areas (upland game) are as follows: Lower Suwannee NWR, FL; Trempealeau NWR, WI; Proposed additions to the list of open areas (big game) are as follows: Lower Suwannee NWR, FL; Hagerman NWR, TX; Trempealeau NWR, WI.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd.

Determination of Effects: The determination as to whether this document is major rule under E.O. 12291 has not been made at this time.

Contact: William C. Reffalt, 202–343–4791.

50 CFR Part 32—Hunting, Supart A—General Provisions

Summary: Regulations will be proposed which would amend a closure of Delta National Wildlife Refuge (Louisiana), previously closed to migratory bird hunting.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 460k, 668dd et seq., 742a.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: William C. Reffalt, 202–343–4791.

50 CFR Part 32—Hunting

Summary: Rules will be proposed which would add the following national wildlife refuges (NWR) to the list of:

Open areas (migratory game birds)—

Black Coulee NWR, MT; Carolina Sandhills NWR, SC; Columbian White-tailed Deer NWR, OR; Creedman Coulee NWR, MT; Hailstone NWR, MT; Halfbreed Lake NWR, MT; Hewitt Lake NWR, MT; Lake Mason NWR, MT; Lake Thibadeau NWR, MT; Lewis and Clark NWR, OR; Minnesota Valley NWR, MN; Okefenokee NWR, FL and GA; San Francisco Bay NWR, CA; War Horse NWR, MT.

Open areas (upland game)—

Black Coulee NWR, MT; Carolina Sandhills NWR, SC; Chocktaw NWR, AL; Creedman Coulee NWR, MT; Hailstone NWR, MT; Halfbreed Lake NWR, MT; Hewitt Lake NWR, MT; Lake Mason NWR, MT; Lake Thibadeau NWR, MT; Minnesota Valley NWR, MN; Rachel Crson NWR, ME; War Horse NWR, MT.

Open areas (big game)—

Black Coulee NWR, MT; Bowdoin NWR, MT; Choctaw NWR, AL; Creedman Coulee NWR, MT; Hailstone NWR, MI; Hewitt Lake NWR, MI; Lake Mason NWR, MT; Lake Thibadeau NWR, MT; Loxahatchee NWR, FL; Minnesota Valley NWR, MN; Muscatatuck NWR, IN; War Horse NWR, MT.

Originally Scheduled: April 1982.

Authority: 16 U.S.C. 460k, 668dd et seq.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: William C. Reffalt, 202–343–4791.

50 CFR Part 33—Sport Fishing

Summary: Regulations have been published which add McFaddin National Wildlife Refuge, Texas, to the list of refuges open for sport fishing.

Originally Scheduled: January 1981.

Authority: 16 U.S.C. 460d; 16 U.S.C. 668dd.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: William C. Reffalt, 202–343–4791.

Action: Proposed rule was published September 1, 1981.

Final rule was published December 14, 1981.

50 CFR Part 33—Sport Fishing

Summary: Regulations have been published which add the following National Wildlife Refuges to the list of refuges open for sport fishing:

Bogue Chitto NWR, LA; Upper Ouachita NWR, LA; Mathews Brake NWR, MS; Morgan Brake NWR, MS; Panther Swamp NWR, MS; Lower Hatchie NWR, TN; Seedskadee NWR, WY.

Originally Scheduled: April 1981.

Authority: 16 U.S.C. 460d; 16 U.S.C. 668dd.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: William C. Reffalt, 202–343–4791.

Action: Proposed rule was published September 1, 1981.

Final rule was published December 14, 1981.

50 CFR Part 33—Sport Fishing

Summary: Rules will be proposed which add the following national wildlife refuges (NWR) to the list of:

Open areas (sport fishing)—

Black Coulee NWR, MT; Bon Secour NWR, AL; Creedman Coulee NWR, MT; Eufaula NWR, AL and GA; Hailstone NWR, MT; Halfbreed Lake NWR, MT; Hewitt Lake NWR, MT; Lake Mason NWR, MT; Lake Thibadeau NWR, MT; Shelburne NWR, MN; Tinicum National

Environmental Center, PA; War Horse NWR, MT.

Originally Scheduled: April 1982.

Authority: 16 U.S.C. 460k, 668dd et seq.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: William C. Reffalt, 202–343–4791.

50 CFR Part 36—Alaska National Wildlife Refuges

Summary: Regulations will be proposed to implement Section 1008 of the Alaska Land Act concerning oil and gas leasing program for non-North Slope Federal Lands.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 3101.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: William C. Reffalt, 202–343–4791.

Action: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

50 CFR Part 36—Alaska National Wildlife Refuges

Summary: Rules will be proposed to implement section 1002 of the Alaska Lands Act concerning seismic exploration on the Arctic National Wildlife Refuge.

Originally Scheduled: April 1982.

Authority: Pub. L. 96–487.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: William C. Raffalt, 202–343–4791.

Action: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

50 CFR Part 80—Restoration of Game Birds, Fish and Mammals

Summary: Current rules will be revised which are applicable to State fish and wildlife agencies for participation in these grants-in-aid programs. The revised rules are intended to simplify language and to make certain technical changes.

Originally Scheduled: January 1980.

Authority: 16 U.S.C. 669 et seq.; 16 U.S.C. 777 et seq.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Charles K. Phenicie, 703–235–1526.

Contact: Proposed rule was published August 28, 1980.

50 CFR Part 83—Fish and Wildlife Conservation Act of 1980

Summary: This rule will provide for financial and technical assistance to the 50 States, 6 Territories and the District of Columbia for the development, revision and implementation of conservation plans for nongame fish and wildlife, as provided for by the Fish and Wildlife Conservation Act of 1980.

Originally Scheduled: April 1981.

Authority: 16 U.S.C. 2901.

Determination of Effects: The Department to the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Charles K. Phenicie, 703–235–1526.

Action: The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule was published April 6, 1982.

50 CFR Part 91—Migratory Bird Hunting and Conservation Stamp Contest

Summary: The Service will revise the annual "Duck Stamp" Contest rules to include a requirement that entrants submit a $20.00 entry fee. Also included are administrative revisions to improve management of and to clarify the contest.

Originally Scheduled: April 1982.

Authority: 5 U.S.C. 301; 16 U.S.C. 703–718.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: John Mattoon, 202–343–5634.

50 CFR Parts 96–106—Alaska National Wildlife Monuments

Summary: These rules, which would have provided the general land management regulations for Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Originally Scheduled: July 1979.

Authority: 16 U.S.C. 432; 16 U.S.C. 742(f); 16 U.S.C. 460k3; Presidential Proclamations of December 1, 1978 (43 FR 57009); 16 U.S.C. 3101.

Determination of Effects: The Department of the Interior previously determined that these regulations were not significant under the provisions of E.O. 12044. They will not be considered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rules that were published on June 28, 1979.

Contact: William C. Reffalt, 202–343–4791.

Action: Notice of Intent was published February 28, 1979.

Proposed rules were published June 28, 1979.

50 CFR Part 107—Alaska National Wildlife Monuments: Minerals Management

Summary: This rule, which would have governed mining in Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Originally Scheduled: January 1980.

Authority: 16 U.S.C. 432; 16 U.S.C. 742(f); 30 U.S.C. 21 et seq., Presidential Proclamations of December 1, 1978 (43 FR 57019, 57119); 30 U.S.C. 612; 16 U.S.C. 3101.

Determination of Effects: The Department of the Interior previously determined that this rule was not significant under the provisions of E.O. 12044. It will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rule that was published on January 11, 1980.

Contact: William C. Reffalt, 202–343–4791.

Action: Notice of Intent was published February 28, 1979.

Proposed rule were published June 11, 1980.

50 CFR Part 402—Endangered Species: Interagency Cooperation

Summary: The Endangered Species Act Amendments of 1978 and 1979 made some changes in the consultation requirements of Section 7. These proposed rules would amend existing rules governing Section 7 consultation by implementing changes required by the amendments and incorporating other procedural changes designed to improve interagency cooperation.

Originally Scheduled: July 1979.

Authority: 16 U.S.C. 1531–1543.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: John L. Spinks, 703–235–2771.

50 CFR Part 410—Fish and Wildlife Coordination Act

Summary: Rules will be promulgated which will establish uniform procedures for Federal agency compliance with the Fish and Wildlife Coordination Act (FWCA). The President's Water Policy

Message of June 6, 1978, and the President's Water Policy Memorandum dated July 12, 1978, directed the publication of these rules. These rules would standardize agency procedures and interagency relationships in the analysis of the impacts of Federal or federally-approved, water-related projects upon wildlife resources. They relate closely to the procedures establishing for compliance with the National Environmental Policy Act (NEPA).

On August 12, 1981, Vice President Bush announced that the Departments of the Interior and Commerce would conduct a review of procedures implementating the Fish and Wildlife Coordination Act to determine whether they meet the objectives of E.O. 12291. This review will evaluate suggested changes in the statute, existing or proposed rules, management practices, or inter- and intra-agency agreements, and will determine what actions are necessary to attain the objectives of E.O. 12291.

Originally Scheduled: January 1979.

Authority: 16 U.S.C. 661 et seq.; 42 U.S.C. 4332(2) (A)–(B); President's Memorandum on Environmental Quality and Water Resources Management, July 12, 1978.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Rolf Wallenstrom, 202–343–4767.

Action: Notice of Intent was published September 29, 1979.

Proposed rule and notice of availability of a draft EIS were published December 12, 1980.

A Notice re-opening the comment period to March 25, 1981 was published March 4, 1981.

A Notice announcing the review of this rule and related procedures was published September 18, 1981.

NATIONAL PARK SERVICE

Flood Insurance for Undeveloped Coastal Barriers

Summary: This document will provide a notice of the procedure and methodology with which the Department intends to develop and implement its responsibilities under new section 1321 of the National Flood Insurance Act to designate undeveloped coastal barriers and its responsibilities with regard to section 341(d)(2) of the Omnibus Budget and Reconciliation Act to conduct a study of undeveloped coastal barriers.

Originally Scheduled: October 1981.

Authority: Pub. L. 97–35; 42 U.S.C. 4026.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Hardy Pearce, 202–272–3566.

Action: A Notice of Intent was published December 1, 1981.

A Notice announcing the availability of draft maps and definitions was published January 15, 1982.

36 CFR Part 1—Miscellaneous Provisions

Summary: This part contains miscellaneous provisions, definitions and penalties that are applicable to Parts 1–7 of Title 36.

Originally Scheduled: January 1981.

Authority: 16 U.S.C. 3.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Maureen Finnerty, 202–343–4874.

Action: Proposed rule was published March 17, 1982.

36 CFR Part 2—Public Use and Recreation

Summary: This part contains the general provisions that are applicable to public use of all units within the National Park System.

Originally Scheduled: April 1981.

Authority: 16 U.S.C. 3.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Maureen Finnerty, 202–343–4874.

Action: Proposed rule was published March 17, 1982.

36 CFR Part 3—Boating

Summary: This rule will align all Service boating regulations concerning equipment with the provisions of the Federal Boat Safety Act and will revise operational rules.

Originally Scheduled: May 1978.

Authority: 16 U.S.C. 3.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Maureen Finnerty, 202–343–4874.

Action: Proposed rule was published March 17, 1982.

36 CFR Part 4—Vehicles and Traffic Safety

Summary: This part contains provisions relating to vehicle use and safety related to it within all National Park System units.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 3.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Mureen Finnerty, 202–343–4874.

36 CFR Part 5—Commerical and Private Operations

Summary: This part contains provisions relating to the use of concessions facilities (commerical and private operations) within National Park System units.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 1, 3, 9a, 17j–2, 462.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Maureen Finnerty, 202–343–4874.

36 CFR Part 6—Miscellaneous Fees

Summary: This Part contains provisions relating to visitor use, and entrance fees and fees charged for commerical motor vehicles.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 1, 3, 9a, 17j–2, 462.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Maureen Finnerty, 202–343–4874.

36 CFR Part 7—Acadia National Park: Snowobiles

Summary: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: January 1981.

Authority: 16 U.S.C. 3.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: George Sites, North Atlantic Regional Office, National Park Service, 15 State Street, Boston, MA 02109, 617–223–3765.

Action: Proposed rule was published March 15, 1982.

36 CFR Part 7—Big Cypress National Park: Indian Use and Occupancy

Summary: This rule will define the statutory rights of the Misccosukee and Seminole Indians within the reserve (7.86).

Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404–242–4916.
Action: Proposed rule was published November 12, 1981.

36 CFR Part 7—Big Cypress National Preserve: Camp Structures

Summary: This rule will result in a change to existing regulations which will remove the automatic termination date of the permits and allow the Service to issue new permits to individual owners for 2–5 year periods.
Originally Scheduled: April 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404–242–4916.

36 CFR Part 7—Big Cypress National Preserve: Off-Road Vehicles

Summary: This rule pertains to the use of off-road vehicles within the preserve.
Originally Scheduled: April 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404–242–4916.

36 CFR Part 7—Bighorn Canyon National Recreation Area: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the recreation areas.
Originally Scheduled: July 1980.
Authority: 16 U.S.C. 3.
Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044, which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.
Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303–234–3068.
Action: Proposed rule was published January 6, 1981.

36 CFR Part 7—Black Canyon of the Gunnison National Monument: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: July 1980.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303–234–3068.

36 CFR Part 7—Blue Ridge Parkway: Parking and Hunting Permits for Hunters

Summary: A revision to this regulation is necessary to comply with a change in the dates for the hunting season in Virginia.
Originally Scheduled: April 1982.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404–242–4916.

36 CFR Part 7—Buffalo National River: Motorboat Regulations

Summary: This rule will regulate power boat usage on certain segments of the Buffalo River.
Originally Scheduled: April 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Roger Siglin, Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, NM 87501, 505–988–6371.
Action: Proposed rule was published November 21, 1980.

36 CFR Part 7—Cedar Breaks National Monument: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 303–234–3068.

36 CFR Part 7—Colorado National Monument: Commercial Trucking

Summary: This rule will implement legislation requiring the Service to provide escorts to trucks through the monument.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 303–234–3068.

36 CFR Part 7—Curecanti National Recreation Area: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the recreation area.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 303–234–3068.

36 CFR Part 7—Cuyahoga Valley National Recreation Area: Alcoholic Beverages

Summary: This rule will close areas within Cuyahoga Valley National Recreation Area to the consumption of alcoholic beverages.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402–864–3476.
Action: Proposed rule was published January 27, 1982.

36 CFR Part 7—Delaware Water Gap National Recreation Area: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the recreation area.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Jim Brady, Mid-Atlantic Regional Office, National Park Service, 143 South 3rd Street, Philadelphia, PA 19106, 218–597–7057.

Action: Proposed rule was published January 6, 1981.

Final rule was published January 29, 1982.

36 CFR Part 7—Dinosaur National Monument: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: July 1980.

Authority: 16 U.S.C. 3.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303–234–3068.

36 CFR Part 7—Everglades National Park: Commerical Fishing

Summary: This rule, which pertains to prohibiting commerical fishing within the park, will be reviewed.

Originally Scheduled: April 1981.

Authority: 16 U.S.C. 3.

Contact: John Reed, Southeast Regional Officer, National Park Service, 75 Spring Street, SW. Altanta, GA 30303, 404–242–4916

36 CFR Part 7—Everglades National Park: Use of Airboats

Summary: This rule will proivde for the use of airboats along the stairstep Airboat Trails within the park.

Originally Scheduled: April 1981.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: John Reed, Southeast Regional Officer, National Park Service, 75 Spring Street, SW. Altanta, GA 30303, 404–242–4916

36 CFR Part 7—Fire Island National Park: Seaplanes

Summary: This rule will amend existing regulations pertaining to seaplane use within Fire Island National Seashore. It will delete 3 communities from the list of areas where seaplanes are allowed to land.

Originally Scheduled: April 1981.

Authority: 16 U.S.C. 3.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under 12291.

Contact: George Sites, North Atlantic Regional Office, National Park Service, 15 State Street, Boston, MA 02109, 617–223–3765.

Action: Proposed rule was published August 28, 1981.

Final rule was published March 15, 1982.

36 CFR Part 7—Fire Island National Seashore: Off-Road Vehicle

Summary: This rule will amend existing regulations pertaining to off-road vehicle use by designating routes for their use.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 3.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: George Sites, North Atlantic Regional Office, National Park Service, 15 State St., Boston, MA 02109, 617–223–3765.

36 CFR Part 7—Glacier Bay National Park and Preserve: Humpback Whale

Summary: This rule will protect declining populations of the humpback whale by restricting some fishing activities and prohibiting bottom trawling.

Originally Scheduled: April 1981.

Authority: 16 U.S.C. 3.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 7, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Bill Tanner, Alaska Regional Office, National Park Service, 540 W. 5th Avenue, Anchorage, AK 99501, 907–271–4551.

Action: Proposed rule was published December 29, 1980.

36 CFR Part 7—Glacier National Park: Fishing

Summary: This rule will extend the fishing season to conform to the State of Montana seasons on adjacent land and revise limits to reduce impacts on native fish species while increasing pressure on exotic species.

Originally Scheduled: July 1980.

Authority: 16 U.S.C. 3.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303–234–3068.

36 CFR Part 7—Grand Canyon National Park: Fishing and Fish Waste Disposal

Summary: This rule will provide for the disposal of fish entrails into the Colorado River and regulate the use of bait in Grand Canyon National Park, Arizona (7.4).

Originally Scheduled: July 1980.

Authority: 16 U.S.C. 3.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415–556–1866.

36 CFR Part 7—Grand Portage National Monument: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: July 1980.

Authority: 16 U.S.C. 3.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402–864–3476.

36 CFR Part 7—Grand Teton National Park: Snowmobiles

Summary: This rule will provide for winter snowmobile travel that is consistent with both the Service snowmobile policy and the off-road vehicle policy of the Department (7.22).

Originally Scheduled: July 1980.

Authority: 16 U.S.C. 3.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303–234–3068.

Action: Advance notice of proposed rulemaking was published May 14, 1980.

Proposed rule was published March 1, 1982.

36 CFR Part 7—Great Smoky Mountains National Park: Fishing

Summary: This rule will be revised to delete reference to activities which will result in a simplification by combining and streamling numerous regulatory provisions, and will loosen some restrictions on fishing in order to allow more utilization of the resource.

Originally Scheduled: April 1982.

Authority: 16 U.S.C. 3.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404–242–4916.

36 CFR Part 7—Herbert Hoover National Historic Site: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402–864–3476.
Action: Proposed rule was published March 1, 1982.

36 CFR Part 7—John D. Rockefeller Memorial Parkway: Snowmobiles

Summary: This rule will provide for the use of snowmobiles on the parkway.
Originally Scheduled: October 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. BOx 25287, Denver, CO 80225, 303–234–3068.
Action: Proposed rule was published March 1, 1982.

36 CFR Part 7—Kennesaw Mountain National Battlefield Park: Alcoholic Beverages

Summary: This rule will control the use and possession of alcoholic beverages within the park.
Originally Scheduled: July 1980.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404–242–4916.

36 CFR Part 7—Lake Mead National Recreation Area: Flotation Devices

Summary: This rule will require the use of flotation devices below Hoover Dam.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco CA 94102, 415–556–1866.

36 CFR Part 7—Lake Mead National Recreation Area: Motorboat Noise

Summary: This rule will set limits on motorboat noise and emissions within the recreation area.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415–556–1866.

36 CFR Part 7—North Cascades National Park: Snowmobiles

Summary: This rule will provide for snowmobile use within the park.
Originally Scheduled: October 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule has not been made at this time.
Contact: Chuck Woodbury, Pacific Northwest Regional Office, National Park Service, Westin Bldg., Room 1920, 2001 6th Avenue, Seattle, WA 98121, 206–442–4832.

36 CFR Part 7—Olympic National Park: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: July 1980.
Authority: 16 U.S.C. 3.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Chuck Woodbury, Pacific Northwest Regional Office, National Park Service, Westin Bldg., Room 1920, 2001 6th Avenue, Seattle, WA 98121, 206–442–4832.

36 CFR Part 7—Olympic National Park: Fishing

Summary: This rule will provide for an adjustment of seasons and limits to respond to fish runs and Indian treaty. The run strength is to be determined by state, Indian and tribal biologists.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Chuck Woodbury, Pacific Northwest Regional Office, National Park Service, Westin Bldg., Room 1920, Seattle, WA 98121, 206–442–4832.

36 CFR Part 7—Olympic National Park: Land Use

Summary: This rule would allow landowners to make minor changes to private lands without the threat of condemnation.
Originally Scheduled: October 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Chuck Woodbury, Pacific Northwest Regional Office, National Park Service, Westin Bldg., Room 1920, 2001 6th Avenue, Seattle, WA 98121, 206–442–4832.

36 CFR Part 7—Perry's Victory and International Peace Memorial: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the part.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402–864–3476.

36 CFR Part 7—Pictured Rocks National Lakeshore: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402–864–3476

36 CFR Part 7—Rocky Mountain National Park: Fishing

Summary: This rule will be revised to relieve restrictions by authorizing catch-and-release of greenback trout. It would further eliminate reference to two areas which are no longer administered by the National Park Service.
Originally Scheduled: April 1982.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 303–234–3068.

36 CFR Part 7—Rocky Mountain National Park: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: July 1980.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303–234–3068.

36 CFR Part 7—St. Croix National Scenic Riverway: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402–864–3476.
Action: Proposed rule was published March 1, 1982.

36 CFR Part 7—Theodore Roosevelt National Park: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: July 1980.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303–234–3068.

36 CFR Part 7—Valley Forge National Historic Park: Alcoholic Beverages

Summary: This rule will prohibit the use of alcoholic beverages within the park.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.
Contact: Jim Brady, Mid-Atlantic Regional Office, National Park Service, 143 South 3rd Street, Philadelphia, PA 19106, 218–597–7057.
Action: Proposed rule was published November 5, 1980.

36 CFR Part 7—Voyageurs National Park: Aircraft Landing

Summary: This route will provide for the landing of aircraft on designated lakes to ensure compliance with the enabling legislation.
Originally Scheduled: October 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 63102, 404–864–3476.

36 CFR Part 7—Voyageurs National Park: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: October 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 63102, 404–864–3476.

36 CFR Part 7—Yosemite National Park: Fish Management Waters

Summary: This rule is being revised to rescind the regulations relating to experimental fish management waters in Yosemite National Park, California (7.16).
Originally Scheduled: July 1980.
Authority: 16 U.S.C. 3.
Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.
Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415–556–1866.
Action: Proposed rule was published August 4, 1980.

36 CFR Part 7—Yosemite National Park: Law Enforcement and Fire Prevention

Summary: This rule will promulgate law enforcement and fire prevention regulations for the El Portal area in Yosemite National Park. El Portal is an administrative site used by the National Park Service and is not currently covered under other regulations in Title 36.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415–556–1866.

36 CFR Part 7—Yosemite National Park: Residential Leases

Summary: This rule will allow the National Park Service to lease residences to Service employees at El Portal, and administrative site within Yosemite National Park.
Originally Scheduled: January 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415–556–1866.

36 CFR Part 7—Zion National Park: Snowmobiles

Summary: This rule will provide for the use of snowmobiles within the park.
Originally Scheduled: July 1980.
Authority: 16 U.S.C. 3.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303–234–3068.

36 CFR Part 11—Arrowhead and Parkscape Symbols

Summary: This Part contains provisions relating to the use of the National Park Service arrowhead and parkscape symbols.
Originally Scheduled: October 1981.
Authority: 16 U.S.C. 3.
Determination of Effects: This determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Maureen Finnerty 202–343–4874.

36 CFR Part 12—National Cemetery Regulations

Summary: This part contains provisions relating to the management and use of National Cemeteries within the National Park System.
Originally Scheduled: October 1981.
Authority: 16 U.S.C. 1, 3, 231, 450.
Determination of Effects: The determination as to whether this

document is a major rule under E.O. 12291 has not been made at this time.

Contact: Maureen Finnerty 202–343–4874.

36 CFR Part 13—National Park System Units in Alaska

Summary: This rule will provide for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve and Katmai National Park and Preserve to snowmachines, motorboats and aircraft use.

Originally Scheduled: April 1982.

Authority: 16 U.S.C. 3.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Bill Tanner, Alaska Regional Office, National Park Service, 540 West 5th Avenue, Anchorage, AK 99501, 907–271–4551.

36 CFR Part 14—Rights-of-Way

Summary: This part will contain provisions relating to the granting of rights-of-way for roads, electrical facilities and water conduits across National Park Service lands.

Originally Scheduled: January 1980.

Authority: 16 U.S.C. 5, 79; 23 U.S.C. 317.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Maureen Finnerty 202–343–4874.

Action: Interim rule with request for comments was published July 11, 1980.

Notice of Intent to propose rules was published August 18, 1980.

36 CFR Part 16—Identification of Integral Vistas Associated With Federal Class I Areas

Summary: This rule will provide guidelines for indentification of integral vistas and a list of integral vistas associated with 44 of the 48 National Park Service mandatory class I areas where visibility is an important value.

Originally Scheduled: October 1981.

Authority: 42 U.S.C. 7491.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Victoria A. Evans, 202–343–4911.

Action: Proposed guidelines and notice of availability was published January 15, 1981; comment period was re-opened April 24, 1981.

36 CFR Part 18—Leases, Exchanges, and Management Contracts of Historic Property

Summary: This new rule will implement procedures for leases, exchanges, and management contracts of National Park Service historic property to ensure preservation of the historic property.

Originally Scheduled: October 1981.

Authority: Pub. L. 96–515.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Charles C. Haslett, 202–523–5172; Sally Blumenthal 202–272–3761.

36 CFR Part 28—Fire Island National Seashore: Zoning

Summary: This rule will revise existing zoning standards within the Seashore.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 3.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: George Sites, National Atlantic Regional Office, National Park Service, 15 State Street, Boston, MA 02109, 617–223–3765.

36 CFR Part 29—Yosemite National Park: Zoning

Summary: This rule will permit residential development to occur on privately owned lands in the Wawona area of Yosemite National Park through the implementation of land use controls.

Originally Scheduled: July 1980.

Authority: 16 U.S.C. 3.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415–556–1866.

36 CFR Part 50—Demonstrations and Special Events

Summary: This rule will clarify and simplify the procedures for obtaining demonstration and special event permits in Washington, D.C. and is environs (50.19).

Originally Scheduled: July 1979.

Authority: 16 U.S.C. 3.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Rick Robbins, 202–343–4338.

Action: Proposed rule was published May 6, 1982.

The information collection requirements contained in section 50.19 of this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024–0021.

Final rule was published November 13 1981.

36 CFR Part 50—Sale and Distribution of Printed Matter

Summary: This rule will recodify provisions of 36 CFR 50.24(c)(2) concerning the sale or distribution of printed matter within areas administered by the National Capital Region and will also establish a permit system for the sale and distribution of literature in fixed locations in the public areas of the interiors of specified buildings (50.19).

Originally Scheduled: July 1979.

Authority: 16 U.S.C. 3.

Determination of Effects: The effects of this document were previsiouly considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Rick Robbins, 202–343–4338.

Action: Interim rule was published October 3, 1979.

36 CFR Part 50—Demonstrations and Special Events

Summary: This rule will permit demonstrations in one-forth of Lafayette Park while reserving the rest of Lafayette Park and the entire White House sidewalk for the exclusive use of the inaugural Committee on January 20 of each inaugural year.

Originally Scheduled: July 1980.

Authority: 16 U.S.C. 3.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Rick Robbins, 202–343–4338.

Action: Interim rule was published December 24, 1980.

36 CFR Part 50—Applicability of Regulations

Summary: This rule revises 36 CFR Part 50.1 to permit certain parks within the National Capitol Region to utilize the rules and regulations found in 36 CFR Parts 1–7.

Originally Scheduled: July 1978.

Authority: 16 U.S.C. 3.

Determination of Effects: The effects of this document were previously considered under the provision of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Lowell Sturgill, National Capitol Region, National Park Service, 1100 Ohio Drive SW, Washington, D.C. 20242, 202–426–6658.

Action: Proposed rule was published February 28, 1979.

36 CFR Part 50—Demonstrations and Special Events

Summary: Section 50.19 of this rule will be revised to clarify the circumstances and conditions under which temporary structures may be used in connection with demonstration activity. The clarification is necessitated by the court decision in Community for Creative Non-Violence v. Watt, No. 81–2381 (D.C. Cir. 1982).

Originally Scheduled: April 1982.

Authority: 16 U.S.C. 3.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Rick Robbins, 202–343–4338.

Action: Proposed rule was published March 18, 1982.

36 CFR Part 50—Camping

Summary: Section 50.27 of this rule will be revised to clarify the types of activities considered to be camping which must be confined to designated campgrounds. The clarification is necessitated by the court decision in Community for Creative Non-Violence v. Watt, No. 81–2381 (D.C. Cir. 1982).

Originally Scheduled: April 1982.

Authority: 16 U.S.C. 3.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Rick Robbins, 202–343–4338.

Action: Proposed rule was published March 29, 1982.

36 CFR Part 60—Nominations to the National Register of Historic Places

Summary: This rule is being amended to revise: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals. This rule will be redesignated from 36 CFR Part 1202.

Originally Scheduled: January 1981.

Authority: 16 U.S.C. 470, et seq.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Carol D. Shull, 202–272–3504.

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024–0018.

An interim rule and a proposed rule were published November 16, 1981.

36 CFR Part 61—Criteria for Comprehensive Statewide Historic Surveys and Plans

Summary: Extensive revision of this rule is anticipated because the National Historic Preservation Act Amendments of 1980 require the Secretary of the Interior to promulgate or revise regulations for State historic preservation programs. The Secretary is also required to develop a procedure for certifying local governments as eligible to carry out the purposes of the Act. Such certification will allow local governments to receive a portion of their State's annual Historic Preservation Fund grant via transfer from the State. It is expected that the Part will be retitled "Criteria for State and Local Historic Preservation Programs." This rule will be redesignated from 36 CFR Part 1201.

Originally Scheduled: May 1978.

Authority: 16 U.S.C. 470 et seq.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Lawrence E. Aten, 202–272–3703.

Action: Interim rule (36 CFR Part 1201) with request for comments was published May 9, 1980.

Proposed rule (36 CFR Part 1201) was published September 10, 1980.

36 CFR Part 63—Determination of Eligibility for Inclusion in the National Register of Historic Places

Summary: This rule incorporates certain revisions responding to the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. This rule will be redesignated from 36 CFR Part 1204.

Originally Scheduled: July 1979.

Authority: 16 U.S.C. 470 et seq.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Carol D. Shull, 202–272–3504.

Action: Proposed rule (36 CFR Part 1204) was published May 23, 1980. Due to Pub. L. 96–515 becoming law on December 12, 1980, rules must be again revised.

36 CFR Part 65—National Historic Landmark Program

Summary: This rule incorporates certain revisions required by the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for designations of National Historic Landmarks by the Department. This rule will be redesignated from 36 CFR Part 1205.

Originally Scheduled: January 1979.

Authority: 16 U.S.C. 461 et seq.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Carol D. Shull, 202–272–3504.

Action: Interim rule (36 CFR Part 1205) with request for comments was published December 18, 1979. Due to Pub. L. 96–515 becoming law on December 12, 1980, rules must be again revised.

36 CFR Part 66—Recovery of Scientific, Prehistoric, Historic and Archaeological Data: Procedures for Notification, Reporting and Data Recovery

Summary: This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act. It will also help guarantee the uniform high quality of data recovery programs and reports submitted to the Department pursuant to the requirements of section 3(a) of the Act.

Originally Scheduled: January 1979.

Authority: Section 5(c) of the Archeological and Historic Preservation Act of 1974.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Roy Reaves, 202–272–3750.

36 CFR Part 67—Historic Preservation Certifications Pursuant to the Tax Reform Act of 1976 and the Revenue Act of 1978

Summary: This rule will be revised to incorporate new requirements of Pub. L. 96–541 in order to provide for the creation of historic easements. The introductory material in the regulation will also be revised to explain changes in tax treatments resulting from the Economic Recovery Tax Act of 1981 (Pub. L. 97–34). This rule will be redesignated from 36 CFR Part 1208.

Originally Scheduled: April 1981.

Authority: Tax Reform Act of 1976, as amended; Revenue Act of 1978; Tax Treatment Extension Act of 1980; Economic Recovery Tax Act of 1981.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Sally Oldham, 202–272–3504.

Action: Final rule (36 CFR Part 1208) was published December 19, 1980. Due to Pub. L. 96–541 becoming law in December 1980, rule will again be revised.

36 CFR Part 69—Protection and Conservation of Archeological Resources: Uniform Regulations

Summary: This uniform rulemaking, to implement the provisions of the Archaeological Resources Protection Act of October 31, 1979, is in response to Section 10(a) of the Act. It is intended that the uniform rulemaking will serve as the foundation and basic policy standard for additional regulations which Departments and independent agencies may promulgate in order to carry out the responsibilities of the Act. The intended effect of this rulemaking action is to advise the public of its obligations to the Federal Government and to further advise of the Federal Government's obligations to the public concerning the protection and conservation of archeological resources located on public and Indian Lands within the Untied States, its territories and possessions.

Originally Scheduled: January 1980.

Authority: 16 U.S.C. 470aa et seq.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Charles M. McKinney, 202–272–3750.

Action: Public hearings for early input on proposed rulemaking process were held in Denver, Phoenix, Portland, and Knoxville between March 22, 1980 and April 19, 1980.

Proposed rule was published January 19, 1981.

36 CFR Part 71—Federal Recreation Fees

Summary: This rule is being amended to: allow certain categories of disabled persons to enter U.S. government operated parks, monuments and recreation areas free of charge and to entitle such persons to a 50% discount on use fees; and revise the definition of "single-visit" admission period which will allow payment of a single admission fee which shall authorize exits from and reentries to a single designated area for a period of from one to fifteen days. This rule will be redesignated from 36 CFR Part 1227.

Originally Scheduled: January 1981.

Authority: Pub. L. 96–344.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: James Cook, 202–272–3596.

36 CFR Part 72, Subparts A, C & D—Urban Park and Recreation Recovery Program: Grants Procedures

Summary: This rule is being revised to incorporate provisions for energy conservation by recipients of Federal assistance. This rule will be redesignated from 36 CFR Part 1228.

Originally Scheduled: January 1981.

Authority: Pub. L. 96–625; 16 U.S.C. 2501; E.O. 12185.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Sam L. Hall, 202–272–3516.

Action: Proposed rule (36 CFR Part 1228) was published September 3, 1980.

Publication of a final rule is being delayed pending Administration and Departmental decisions to implement E.O. 12185.

36 CFR Part 72, Subparts A, C & D—Urban Park and Recreation Recovery Program: Grants Procedures

Summary: This rule is being revised to incorporate an amendment that will allow projects to begin to incur costs following a tentative grant offer. The Program Information section will also be revised in response to general requests for clarification. This rule will be redesignated from 36 CFR Part 1228.

Originally Scheduled: January 1981.

Authority: Pub. L. 95–625, 16 U.S.C. 2501.

Determination of Effects: The effects of this document were previously considered under the provision of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Sam L. Hall, 202–272–3516.

Action: Interim rule (36 CFR Part 1228) was published September 3, 1980.

36 CFR Part 72, Subpart B—Urban Park Recreation Recovery Program

Summary: This rule will be revised to remove outdated requirements for Preliminary Action Programs no longer effective after January 1, 1981. Subpart B was published as a final rule March 10, 1980 with final amendments published August 15, 1980.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–625, 16 U.S.C. 2501.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Sam L. Hall, 202–272–3516.

36 CFR Part 73—World Heritage Convention

Summary: This rule will set forth the policies and procedures that the Department will use to direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, in accordance with Title IV of the National Historic Preservation Act Amendments of 1980. The rule will serve as the single source of definitive guidance for World Heritage policy and procedure to ensure effective implementation of the Convention and participation by interested agencies, organizations and individuals.

Originally Scheduled: April 1981.

Authority: Pub. L. 96–515; 16 U.S.C. 470a–1, a–2; 94 Stat. 3000.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: James Orr, 202–523–0150.

Action: A Notice of Intent with request for comments was published January 13, 1981.

Proposed rule was published October 20, 1981.

36 CFR Part 74—Land and Water Conservation Fund State Assistance Program

Summary: This rule will set forth the regulations for administration of the Stateside of the Land and Water Conservation Fund Program, including the preparation and implementation of Statewide Comprehensive Outdoor Recreation Plans, and the criteria and guidelines for acquisition and development grants from both the general fund and the Secretary's Contingency Reserve.

Originally Scheduled: Janaury 1979.

Authority: Pub. L. 88–578; Pub. L. 95–42.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Cathy Martin-Urbanek, 202–272–3660.

36 CFR Part 75—Procedures for the Identification and Protection of Archeological, Historic and Scientific Properties

Summary: These regulations implement the Department's responsibilities for the identification, protection, preservation, and management of archeological, architectural, historic, scientific, and other cultural resources. These regulations fulfill requirements set forth in the National Historic Preservation Act, E.O. 11593, and other applicable historic preservation laws. They were developed in consultation with the Advisory Council pursuant to section 1(3) of Executive Order 11593, the President's Memorandum on Environmental Quality and Water Resources Management of July 12, 1978, and sections 800.10 and 800.11 of the amended regulations of the Advisory Council, "Protection of Historic and Cultural Properties" (36 CFR 800).

Originally Scheduled: July 1979.

Authority: President's Memorandum on Environmental Quality and Water Resources Management; 36 CFR 800.10; E.O. 11593.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Roy Reaves, 202–272–3750.

Action: Proposed rule was published August 2, 1979.

The Service has decided to issue these Departmental procedures as part of the Departmental Manual (519 DM 1), and therefore a final rule will not be published. This Part 75 will instead contain the implementing regulations that are specific to the Service.

36 CFR Part 76—Preservation of American Antiquities: Definition of an Object of Antiquity

Summary: This rule will implement the provisions of the American Antiquities Act of June 8, 1906, and is in response to a Federal court ruling on the vagueness of the term "object of antiquity" and failure of the Federal government to inform the public in lay terms. This rule will be redesignated from 43 CFR Part 3.

Originally Scheduled: January 1980.

Authority: 16 U.S.C. 431–433.

Determination of Effects: The determination as to whether this document is a major rule under E.O. has not been made at this time.

Contact: Charles M. McKinney, 202–272–3750.

Action: Proposed rule (43 CFR Part 3) was published April 10, 1978.

36 CFR Part 77—National Wild and Scenic Rivers System: Guidelines for Eligibility, Classification and Management of River Areas

Summary: This rule will provide consistent interpretation of the Wild and Scenic Rivers Act and uniform guidance to agencies of the Departments of Agriculture and the Interior in the conduct of studies under Section 5(a) of the Act and in the management of eligible river areas included in the National Wild and Scenic Rivers System. The regulations are a revision of the 1970 internal guidelines published by the two Departments.

Originally Scheduled: April 1981.

Authority: 16 U.S.C. 1271, et seq.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Jack Hauptman, 202–272–3566.

Action: Draft revised guidelines were published January 28, 1981.

36 CFR Part 78—Waiver of Federal Agency Responsibilities Under the National Historic Preservation Act

Summary: This rule is necessary under the National Historic Preservation Act Amendments of 1980 which require the Secretary of the Interior to establish new procedures for the waiver of the requirements of Section 110 of the Act.

Originally Scheduled: April 1982.

Authority: 16 U.S.C. 470.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Carol D. Shull, 202–272–3504.

43 CFR Groups 3100 and 3500—Mineral Leasing

Summary: These rules will amend and expand existing regulations which allow mineral leasing within 5 National Park System areas: Lake Mead; Whiskeytown; Glen Canyon; Ross Lake; and Lake Chelan.

Originally Scheduled: January 1981.

Authority: 16 U.S.C. 3, 460n, 460q 90, 460dd; 30 U.S.C. 181, 351; 43 U.S.C. 387.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Maureen Finnerty, 202–343–4874.

Action: Proposed rule was published December 22, 1980.

43 CFR Subpart 3811—Lands in National Parks and National Monuments

Summary: These regulations pertain to the filing of mining claims within Denali National Park and Preserve, Olympic National Park, Death Valley National Monument, Glacier Bay National Park and Preserve, and Organ Pipe Cactus National Monument. These rules are obsolete and unnecessary since the passage of the Mining in the Parks Act (16 U.S.C. 1901 et seq.) and the promulgation of implementing regulations for that Act in 36 CFR Part 9, Subpart A.

Originally Scheduled: April 1982.

Authority: 16 U.S.C. 3.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Maureen Finnerty, 202–343–4874.

43 CFR Subpart 3826—National Park Service Areas

Summary: These regulations pertain to the filing of mining claims within Denali National Park and Preserve, Olympic National Park, Death Valley National Monument, Glacier Bay National Park and Preserve, and Organ Pipe Cactus National Monument. These rules are obsolete and unnecessary since the passage of the Mining in the Parks Act (16 U.S.C. 1901 et seq.) and the promulgation of implementing regulations for that Act in 36 CFR Part 9, Subpart A.

Originally Scheduled: April 1982.

Authority: 16 U.S.C. 3.

Determination of Effects: The determination as to whether this

document is a major rule under E.O. 12291 has not been made at this time.

Contact: Maureen Finnerty, 202–343–4874.

BUREAU OF RECLAMATION

43 CFR Part 230—Water Right Applications

Summary: This rule will be amended to repeal sections 230.71–230.84, which provide for two water right application forms to be use by individuals on Bureau projects. The Bureau now deals with water user organizations instead of individuals and therefore these sections should be repealed.

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 419, 423e, 445, 461, and 511.

Determinations of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Roy Boyd, 202–343–5471.

Action: Proposed rule was published June 23, 1981.

Final rule was published February 11, 1982.

43 CFR Part 420—Off-Road Vehicle Use

Summary: This rule, which is scheduled for review, provides the regulations for off-road vehicle use on lands of the Bureau. The rule: protects the land resources; promotes the safety of all users; and, ensures that any permitted use will not result in significant adverse environmental impact or cause irreversible damage to existing ecological balances.

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 391 et seq.

Contact: Terry G. Cooper, 202–343–5204.

Action: The Department has determined that this rule is current and no revisions are necessary.

43 CFR Part 421—Rules of Conduct at Hoover Dam

Summary: This rule, which is scheduled for review, relates to the conduct of visitors at Hoover Dam. The rule pertains to: the preservation of property; conformity with signs and emergency directions; disturbances; vehicular and pedestrian traffic; gambling; alcoholic beverages and narcotics; soliciting, vending, advertising, and distribution of handbills; photography and motion pictures; weapons and explosives; audio devices; abandoned and unattended property; closing of areas; and, nondiscrimination.

Originally Scheduled: January 1981.

Authority: 40 U.S.C. 318.

Contact: Tom Kane, 202–343–2143.

43 CFR Part 426—Acreage Limitation Rules and Regulations

Summary: This rule will establish policies and procedures to meet the Secretary's responsibilities in administering the acreage limitation and other provisions of Reclamation Law. The rule will be issued in compliance with a U.S. District Court order to promulgate rules and regulations dealing with acreage limitations, with specific reference to procedures to be used to approve sales of excess land.

Originally Scheduled: July 1980.

Authority: The Reclamation Act of 1902, as amended and supplemented; 43 U.S.C. 371 et seq.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Vernon S. Cooper, 202–343–2148.

Action: Proposed rule was published August 25, 1977.

A second proposed rule and Notice of Availability of the Draft EIS were published January 14, 1981.

Notices were published February 19, 1981 which suspended the comment periods on the proposed rule and the Draft EIS for an indefinite period of time.

Notices were published July 21, 1981 which reopened the comment periods on the proposed rule and the Draft EIS until December 31, 1981.

A notice was published December 31, 1981 which announced the scheduling of public hearings and extended the comment periods on the proposed rule and Draft EIS until March 5, 1982.

A Notice was published February 11, 1982 which postponed the previously scheduled public hearings due to impending action by Congress to reform Federal Reclamation Laws dealing with acreage limitation.

43 CFR Part 427—Public Use of Project Lands Administered for Outdoor Recreation

Summary: This rule will identify circumstances under which the use of recreation areas may be restricted in order to protect public safety and health, public property and natural resources.

Originally Scheduled: January 1981.

Authority: Section 10 of the Reclamation Act of 1902; 32 Stat. 390; 43 U.S.C. 373.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Kathy Brocato, 202–343–5204.

43 CFR Part 429—Recovery of Costs and Procedures for Issuing Rights-of-Way Across Lands of the Water and Power Resources Service

Summary: This rule will prescribe what costs for issuing a right-of-way (ROW) are to be collected from the entity receiving the ROW. It will also prescribe certain clauses which are to be included in all Service ROW documents.

Originally Scheduled: January 1980.

Authority: 43 U.S.C. 387, 389; Assistant Attorney General Opinion 34 L.D. 480 (1906).

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Terry, G. Cooper, 202–343–5204.

Action: Proposed rule was published September 10, 1979.

BUREAU OF LAND MANAGEMENT

43 CFR Part 3900—Federal Oil Shale Management

Summary: This rule will establish the procedures for the leasing and overall management of Federally-owned oil shale resources.

Originally Scheduled: April 1982.

Authority: 30 U.S.C. 181 et seq.; 43 U.S.C. 1701 et seq.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Monte Jordan, 202–343–4636; Robert C. Bruce, 202–343–8735.

43 CFR Subpart 1601—Planning

Summary: This rule will eliminate burdensome, outdated and unneeded provisions in the existing planning regulations. The decision as to which provisions should be eliminated was arrived at after a thorough review of public comments received in response to a request by the Secretary of the Interior and after an extensive review of the existing regulation by Bureau of Land Management personnel.

Originally Scheduled: January 1981.

Authority: 43 U.S.C. 1712.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: David C. Williams, 202–653–8824; Robert C. Bruce, 202–343–8735.

Action: Proposed rule was published December 16, 1980.

A second proposed rule was published November 23, 1981.

43 CFR Subpart 1813—Public Land Records

Summary: This rule will be revised to remove the requirement for notation to the records at the time of the filing of certain applications.

Originally Scheduled: April 1982.

Authority: 43 U.S.C. 1201.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Jeff Steele, 202–343–8693; Robert C. Bruce, 202–343–8735.

43 CFR Subpart 1821—Execution and Filing of Forms

Summary: This rule will be amended to list District and Area Offices as locations where forms may be filed covering certain activities of the Bureau of Land Management, and to change the hours of public access to the public rooms of the Bureau.

Originally Scheduled: October 1981.

Authority: 43 U.S.C. 1201 et seq.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Jeff Steele, 202–343–8693; Robert C. Bruce, 202–343–8735.

Action: Final rule was published March 22, 1982.

43 CFR Part 1860—Conveyancing Documents

Summary: This rule will be amended to provide a procedure under which documents of disclaimer or corrections of conveyance documents can be applied for and obtained.

Originally Scheduled: January 1981.

Authority: 43 U.S.C. 1745, 1746.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Henry Beauchamp, 202–343–8693; Robert C. Bruce, 202–343–8735.

43 CFR Part 2025—Alaska Easement Managment

Summary: This rule will provide the procedure for the management of easements reserved under section 17(b) of the Alaska Native Claims Settlement Act.

Originally Scheduled: April 1982.

Authority: 43 U.S.C. 1701 and 1713.

Determination of Effects: The Department of the Interior has determined that this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Lee Barkow, 202–343–6511; Robert C. Bruce, 202–343–8735.

43 CFR Subpart 2070—Destination of Areas and Lands

Summary: This subpart, which provides the procedures under which specific areas of public lands and other Federal lands under the jurisdiction of the Bureau of Land Management may be designated and identified, is being reviewed to determine if it is still needed.

Originally Scheduled: October 1981.

Authority: 43 U.S.C. 1201 et seq., 1701 et seq.

Contact: Del Price, 202–343–9353; Ted Hudson, 202–343–8735.

43 CFR Part 2090—Special Laws and Rules

Summary: This rule will be amended to provide procedures for the management of easements reserved under the Alaska Native Claims Settlement Act.

Originally Scheduled: January 1981.

Authority: 43 U.S.C. 1616(b).

Determination of Effects: The determination as to whether this document is major rule under E.O. 12291 has not been made at this time.

Contact: Beaumont McClure, 202–343–6511; Robert C. Bruce, 202–343–8735.

43 CFR Part 2200—Exchanges: General Procedures

Summary: This rule will be amended to: make conveyance of lands exchanged for one of the Federal systems manadatory at time of finalization and exchange; remove exchanges from coverage of the Uniform Relocation Assistance and Real Property Acquisition Policies Act; and remove the requirement for publication of conveyance of lands under exchange.

Originally Scheduled: October 1981.

Authority: 43 U.S.C. 1715, 1716, 1732 and 1740.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: David Hemstreet, 202–343–8731; Robert C. Bruce, 202–343–8635.

43 CFR Part 2370—Withdrawal Revocation

Summary: This rule, which provides the procedures under which a Federal agency holding withdrawn lands relinquishes those lands, will be revised to remove excessive and burdensome provisions and to make it conform to the Federal Land Policy and Management Act.

Originally Scheduled: April 1982.

Authority: 43 U.S.C. 1714.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: John Rumps, 202–343–6486; Robert C. Bruce, 202–343–8735.

43 CFR Part 2400—Land Classification

Summary: As a result of review, this rule is being revised to remove provisions repealed by the Federal Land Policy and Management Act of 1976, to institute a new classification procedure and to simplify and clarify outdated provisions.

Authority: 43 U.S.C. 315, 682, 869, 1171, 1181, 1412–1418; 48 U.S.C. 364.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: John Mezes, 202–343–8731; Robert C. Bruce, 202–343–8735.

43 CFR Part 2520—Desert Land Entries

Summary: This rule, which provides the procedure for entry and reclamation of lands identified as desert lands, will be revised to remove excessive and burdensome provisions.

Originally Scheduled: April 1982.

Authority: 43 U.S.C. 321–323, 325, 327–329.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: John Mezes, 202–343–8693; Robert C. Bruce, 202–343–8735.

43 CFR Subpart 2561—Native Allotments

Summary: This rule will be amended to carry out a commitment made by the Secretary to incorporate Bureau of Land Management Manual provisions on Native allotments.

Originally Scheduled: January 1981.

Authority: 43 U.S.C. 1201, 711–713.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Beaumont McClure, 202–343–6511; Robert C. Bruce, 202–343–8735.

Action: Proposed rule was published August 6, 1980.

A Notice withdrawing the proposed rule should be published by July 1982.

43 CFR Subpart 2627—Alaska

Summary: This rule will be amended to provide a change in selection procedures for the State of Alaska as provided for in the amendments to the Alaska Statehood Act.

Originally Scheduled: January 1981.

Authority: 94 Stat. 2437.

Determinations of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Beaumont McClure, 202–343–6511; Robert C. Bruce, 202–343–8735.

43 CFR Part 2650—Alaska Native Selections

Summary: This rule will amend existing regulations, which authorize Alaska Native corporations to select more lands than they are entitled to receive actual conveyance for, to establish a formula for reducing the amount of excess lands selected and to provide the authority to reject excessive overselections if they are not voluntarily reduced by the Native corporations.

Originally Scheduled: January 1980.

Authority: 43 U.S.C. 1601 et seq.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Sue Wolf, 202–343–6511; Robert C. Bruce, 202–343–8735.

Action: Proposed rule was published May 8, 1980.

43 CFR Part 2650—Alaska Native Selections

Summary: This rule will be revised to include procedures for a reduction of Native overselection under the Alaska Native Claims Settlement Act.

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1601 et seq.; 94 Stat. 2491–2549.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Sue Wolf, 202–343–6511; Robert C. Bruce, 202–343–8735.

43 CFR Part 2710—Sales: Federal Land Policy and Management Act

Summary: This rule will be amended to delete the requirement for publication in the Federal Register of the document of conveyance after sale.

Originally Scheduled: October 1981.

Authority: 43 U.S.C. 1701, 1713.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Bill Krech, 202–343–8693; Robert C. Bruce, 202–343–8735.

43 CFR Part 2720—Conveyance of Federally-Owned Mineral Interests

Summary: This rule will be amended to make minor revisions to the existing regulations on conveyancing of Federally-owned mineral interests and to provide segration of lands covered by an application.

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1719(b).

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: David Hemstreet, 202–343–8731; Robert C. Bruce, 202–343–8735.

43 CFR Part 2740 and 2910—Recreation and Public Purposes Act: Leases

Summary: These rules will be amended to set out the recommendation for pre-consultation by applicants, change requirements on sanitary land fills and reduce the requirement for a plan of development for leases.

Originally Scheduled: October 1981.

Authority: 43 U.S.C. 869 et seq., 1721.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: John Mezes, 202–343–8731; Robert C. Bruce, 202–343–8735.

43 CFR Part 2800—Rights-of-Way: Principles and Procedures

Summary: This rule is being amended to reduce the amount of information that an applicant has to submit with an applicaiton for a right-of-way.

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1761–1771.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Leon Kabat, 202–653–8842; Robert C. Bruce, 202–343–8735.

Action: Proposed rule was published August 5, 1981; comment period ended September 21, 1981.

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance numbers 1004–0060 and 1004–0107.

Final rule was published March 23, 1982.

43 CFR Part 2800—Rights-of-Way: Principals and Procedures

Summary: This rule will be revised to further eliminate needless, burdensome and counterproductive provisions contained in the existing right-of-way procedures for grants made under the provisions of Title V of the Federal Land Policy and Management Act of 1976. This rule is the result of further study of the existing rules made in an effort to reduce the paperwork burden on the using public.

Originally Scheduled: April 1982.

Authority: 43 U.S.C. 1761–1771.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Larry Montross, 202–343–5441; Robert C. Bruce, 202–343–8735.

Action: Proposed rule was published April 8, 1982.

43 CFR Part 2812—Rights-of-Way Across O & C and Coos Bay Revested Lands

Summary: This rule, which provides the process for granting rights-of-way across the O & C and Coos Bay Revested Lands, is being reviewed to determine if it is still needed and if it needs revising.

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 665, 956, 958.

Contact: Leon Dabat, 202–653–8842; Robert C. Bruce, 202–343–8735.

43 CFR Part 2820—Roads and Highways

Summary: This rule will be rescinded in order to eliminate the requirement of the State governments to make application for a right-of-way grant for Federal-aid highway purposes directly to the Bureau after applying to the Federal Highway Administration for a determination that the right-of-way is necessary.

Originally Scheduled: January 1981.

Authority: 23 U.S.C. 107–317.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Leon Kabat, 202–653–8842; Robert C. Bruce, 202–343–8735.

43 CFR Part 2880—Rights-of-Way Under the Mineral Leasing Act

Summary: This rule is being amended to reduce the amount of information that an applicant has to submit with an application for an oil and gas pipeline right-of-way.

Originally Scheduled: April 1981.

Authority: 30 U.S.C. 185.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: John Hafterson, 202–653–8842; Robert C. Bruce, 202–343–8735.

Action: Proposed rule was published August 5, 1981; comment period ended September 21, 1981.

The information collection requirements contained in this rule were

approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance numbers 1004–0060 and 1004–0107.

Final rule was published March 23, 1982.

43 CFR Part 2880—Rights-of-Way Under the Mineral Leasing Act

Summary: This rule will be revised to further eliminate needless, burdensome and counterproductive provisions contained in the existing right-of-way procedures for grants issued under the Mineral Leasing Act of 1920, as amended.

Originally Scheduled: April 1982.

Authority: 30 U.S.C. 185.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Larry Montross, 202–343–5441; Robert C. Bruce, 202–343–8735.

Action: Proposed rule was published April 8, 1982.

43 CFR Group 3000—Minerals Management: General

Summary: This rule will be completely rewritten to remove outdated provisions, to remove burdensome provisions and to simplify the entire group of regulations.

Originally Scheduled: October 1981.

Authority: 30 U.S.C. 181 et seq., 351–359.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Charles Weller, 202–343–7753; Robert C. Bruce, 202–343–8735.

43 CFR Groups 3000 and 3100—Onshore Oil and Gas Leasing

Summary: This rule is being amended to remove outdated and burdensome provisions and to simplify the entire group of regulations.

Originally Scheduled: April 1981.

Authority: 30 U.S.C. 181 et seq., 351–359, 301–306.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Charles Weller, 202–343–7753; Robert C. Bruce, 202–343–8735.

Action: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

43 CFR Part 3130—Oil and Gas Leasing

Summary: This rule is being revised to eliminate the requirement that simultaneous oil and gas lease application filing fees be paid by guaranteed remittance and the mandatory use of pre-numbered assignment forms for the transfer of oil and gas leases. It also eliminates the requirement to submit qualification statements prior to lease acquisition (3102, 3103, 3106, 3112, 3132).

Originally Scheduled: April 1982.

Authority: 30 U.S.C. 181 et seq.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Charles Weller, 202–343–7722; Robert C. Bruce, 202–343–8735.

Action: An Interim rule with request for comments was published February 26, 1982.

43 CFR Parts 3100 and 3110—Oil and Gas Leasing: Noncompetitive Filing Fees and Rental for Simultaneous Oil and Gas Leases

Summary: This rule will increase the filing fee that accompanies oil and gas lease applications from $25.00 to $75.00. It will also raise the rental for simultaneous leases to $1.00 per acre per year for the first 5 years of the lease term and $3.00 per acre per year thereafter.

Originally Scheduled: October 1981.

Authority: Omnibus Budget Reconciliation Act of 1981.

Determination of Effects: The Department of the Interior has determined that this document is a major rule under E.O. 12291.

Contact: Charles Weller, 202–343–7753; Rob Cervantes, 202–343–7722.

Action: Proposed rule was published October 29, 1981.

A Notice was published November 30, 1981 which extended the comment period to December 15, 1981 and announced the availability of the Preliminary Regulatory Impact Analysis.

Final rule and notice announcing the availability of the Final Regulatory Impact Analysis was published January 20, 1982.

43 CFR Part 3130—Oil and Gas Leasing

Summary: This rule will provide for the consolidation of leases in the National Petroleum Reserve—Alaska in order to provide more flexibility in the management of the oil and gas leasing program.

Originally Scheduled: April 1981.

Authority: Pub. L. 96–514.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Marcia Rohn, 202–343–7753; Robert C. Bruce, 202–343–8735.

Action: The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

43 CFR Part 3130—Oil and Gas Leasing

Summary: This rule will be revised to provide procedures for oil and gas leasing of the National Petroleum Reserve—Alaska.

Originally Scheduled: April 1981.

Authority: 30 U.S.C. 181 et seq; 94 Stat. 2957, 2964.

Determination of Effects: The Department of the Interior has determined that this document is a major rule under E.O. 12291.

The Department has also determined that this document will have a significant economic effect on a substantial number of small entities and requires a small entity flexibility analysis under Pub. L. 96–354.

Small entities likely to be effected are those that will engage in the business of supplying goods and services for the exploration and development of the National Petroleum Reserve in Alaska.

The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by Pub. L. 96–354, will be combined into one analysis as provided for by both authorities. Copies of the preliminary regulatory impact analysis were available from the Contacts after November 9, 1981. Copies of the final regulatory impact analysis will be available from the Contacts in May 1982.

Contact: Marcia Rohn, 202–343–7753; Robert C. Bruce, 202–343–8735.

Action: Proposed rule was published July 22, 1981.

The schedule for preparing the preliminary and final regulatory impact analyses was published July 22, 1981.

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004–0067.

Final rule was published November 9, 1981.

43 CFR Subpart 3140—Conversion of Existing Oil and Gas Leases and Valid Mining Claims

Summary: This rule will provide the procedures that the Secretary of the Interior will use to convert existing oil and gas leases and valid mining claims in Special Tar Sand Areas to combined hydrocarbon leases.

Originally Scheduled: April 1982.

Authority: Combined Hydrocarbon Leasing Act of 1981, Pub. L. 97–78.

Determination of Effects: The Department of the Interior has determined that this document is a major rule under E.O. 12291.

Copies of the Preliminary Regulatory Impact Analysis were available from the Contacts after March 1, 1982. Copies of the Final Regulatory Impact Analysis will be available from the Contacts after May 14, 1982.

Contact: Edward E. Coggs, 202–343–6821; Robert C. Bruce, 202–343–8735.

Action: Proposed rule was published March 1, 1982.

Final rule is scheduled to be published May 14, 1982.

43 CFR Part 3141—Combined Hydrocarbon Leasing: Competitive Leasing in Special Tar Sand Areas

Summary: This rule will establish procedures for issuing combined hydrocarbon leases within designated Special Tar Sand Areas.

Originally Scheduled: April 1982.

Authority: Pub. L. 97–78.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Monte Jordan, 202–343–4636; Robert C. Bruce, 202–343–8735.

43 CFR Part 3200—Geothermal Resource Leasing: Future Interest

Summary: This rule was revised to provide authority to lease fractional interests present and full or fractional future interests in geothermal resources (3201; 3205; 3207).

Originally Scheduled: April 1981.

Authority: 30 U.S.C. 1001–1025.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Karl Duscher, 202–343–8537; R. O. Miller, 202–343–8735.

Action: Proposed rule was published September 1, 1981.

Final rule was published February 3, 1982.

43 CFR Part 3200—Geothermal Resource Leasing: General

Summary: This rule will be revised to provide a modification of the treatment of escalating rentals when excess exploration expenditures are made and to eliminate the requirement for a plan of operations or exploration to be submitted before a lease can be submitted.

Originally Scheduled: April 1981.

Authority: 30 U.S.C. 1001–1025.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Karl Duscher, 202–343–8537; R. O. Miller, 202–343–8735.

43 CFR Subpart 3211—Bureau Motion, Land Previously Leased for Geothermal Resources

Summary: This rule will be amended to expedite leasing of lands with geothermal potential, and correct provisions that have prevented the Bureau from offering lands previously leased noncompetitively for geothermal resources.

Originally Scheduled: January 1980.

Authority: 30 U.S.C. 1001–1025.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Karl Duscher, 202–343–8537; R.O. Miller, 202–343–8735.

Action: Proposed rule was published November 26, 1979.

43 CFR 3300—Outer Continental Shelf Minerals and Rights-of-Way Management: General

Summary: This rule will be amended to conform with Department of Energy regulations concerning work commitment and variable profit share bidding systems.

Originally Scheduled: January 1981.

Authority: 43 U.S.C. 1331 et seq.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Bob Samuels, 202–343–5121; Robert C. Bruce, 202–343–8735.

43 CFR Group 3400—Coal Management

Summary: This rule will eliminate burdensome, outdated and unneeded provisions of the existing coal management regulations. The specific amendments to the existing regulations resulted from public comments requested by the Secretary of the Interior and from an extensive review of the coal management program by the Bureau of Land Management and Department of the Interior personnel.

Originally Scheduled: April 1981.

Authority: 30 U.S.C. 181 et seq., 351–359, 1201 et seq., 521–531; 43 U.S.C. 1701 et seq.; 42 U.S.C. 7101 et seq. 4321; 90 Stat. 2073–2075.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Walt Rewinski, 202–343–6821; Robert C. Bruce, 202–343–8735.

Action: Proposed rule was published December 16, 1981.

A final rule effective 43 CFR 3422.2(C)(10), 3427.1, 3427.2, and 3427.4 was published March 3, 1982.

43 CFR Part 3500 and 43 CFR Part 23—Leasing of Minerals Other than Oil and Gas: General; Surface Exploration

Summary: As a result of review, 43 CFR Part 3500 is being revised to change definitions of terms, to change rentals, and to alter requirements for preference right lease applicants, as well as to simplify and clarify provisions. 43 CFR Part 23 is removed, because its provisions duplicate the provisions of the National Environmental Policy Act.

Originally Scheduled: January 1981.

Authority: 30 U.S.C. 181 et seq.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Robert Anderson, 202–343–8537; Robert C. Bruce, 202–343–8735.

Action: Proposed rule was published March 30, 1982.

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

43 CFR Part 3600—Mineral Materials Disposal: General

Summary: This rule, which provides the procedures for disposal of mineral materials on the public lands, will be totally revised to: simplify existing provisions; and revise and delete provisions not specified or required by statute which impair program management and limit the availability of mineral materials to the public.

Originally Scheduled: January 1980.

Authority: 30 U.S.C. 601, 602; 43 U.S.C. 1732.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Brenda Horton, 202–343–8537; Robert C. Bruce, 202–343–8735.

Action: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.SC. 3507.

43 CFR Part 3630—Paleontology

Summary: This rule will be revised to provide the procedures for the management of paleontological specimens located on the public lands.

Originally Scheduled: July 1980.

Authority: 43 U.S.C. 1701 et seq.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Robert Sulenski, 202–343–8537; R.O. Miller, 202–343–8735.

43 CFR Subpart 3809—Surface Management

Summary: This rule will amend subparts 3809.1–3 and 3809.1–4 that relate to the conditions under which a mining claimant/operator is required to file either a Notice or a Plan of Operations covering the proposal locatable mineral activities. Operators distributing 5 acres or less on any of the special category lands listed in subpart 3809.1–4 would need to submit a notice rather than the operations plan now required for such activities. These amendments would reduce costs for claimants/operators by lessening the filing and bonding requirements and the processing delays associated with their review and approval. Prior to commencing operations under a notice, however, the operator would agree to reclaim disturbed lands and to take appropriate steps to prevent unnecessary degradation of the lands.

Originally Scheduled: April 1981.

Authority: 30 U.S.C. 22 et seq., 612; 43 U.S.C. 1701 et seq.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Eugene Carlat, 202–343–8357; Robert C. Bruce, 202–343–8735.

Action: The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507. Proposed rule was published March 22, 1982.

43 CFR Subpart 3833—Recordation of Mining Claims and Filing Proof of Annual Assessment Work or Notice of Intention of Hold Mining Claims, Mill or Tunnel Sites

Summary: This rule will be revised to incorporate needed changes identified during operation of the recorded program.

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1744.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: George Schmidt, 202–343–8537; Robert C. Bruce, 202–343–8735.

43 CFR Part 4100—Grazing Administration; Exclusive of Alaska

Summary: This rule will amend the existing regulations for the administration of livestock grazing use on the public rangelands. The intent of this rule is to simplify and improve the provisions for administration of grazing use, remove cumbersome procedures and eliminate needless, burdensome and counterproductive regulations.

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 315, 315a– 315r, 1701 et seq., 1181d.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Ron Wenker, 202–343–5678; R. O. Miller, 202–343–8735.

Action: Proposed rule was published November 13, 1981.

A Notice was published January 11, 1982 which extended the comment period to February 11, 1982.

43 CFR Part 4700—Wild Free-Roaming Horse and Burro Protection: Management and Control

Summary: This rule will be amended to eliminate the requirement for a veterinarian's statement of the cause of death when an adopted animal dies and to change the title application requirements for adopted animals by allowing adopters to submit certification of humane care from any qualified official such as a humane society official.

Originally Scheduled: April 1981.

Authority: 16 U.S.C. 1331–1340.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Chris Erb, 202–343–4773; Ted Hudson, 202–343–8735.

43 CFR Parts 5440, 5450 and 5460—Sales of Forestry Products: General

Summary: This rule will initiate requirements that timber contract purchasers pay a portion of the contract price earlier in the contract period. These "up front" payments, and a provision that purchasers who are in default on prior timber contracts are not eligible to bid on new contracts, will encourage all contractors to follow more responsible management practices, encourage purchasers to complete contract responsibilities in a more timely manner, and will take away some of the incentive for speculative bidding based on potential long-term gain.

Originally Scheduled: April 1982.

Authority: 43 U.S.C. 1181a 30 U.S.C. 601 et seq.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Charles Frost, 202–653–8864; Robert C. Bruce, 202–343–8735.

Action: Proposed rule was published March 19, 1982.

43 CFR Part 5510—Free Use of Timber

Summary: This rule, which provides the procedures for the free use of disposal of timber and other vegetative resources on O & C and public lands, will be revised to clarify and simplify provisions.

Originally Scheduled: April 1981.

Authority: 16 U.S.C. 604–607; 612; 30 U.S.C. 189; 43 U.S.C. 1701 et seq.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Dave Estola, 202–343–4009; R.O. Miller, 202–343–8735.

43 CFR Group 8100—Cultural Resource Management

Summary: This new rule will provide the Bureau of Land Management's counterpart procedures to those of the Advisory Council on Historic Preservation for complying with section 106 of the National Historic Preservation Act.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 470f; 36 CFR 800.11.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: John Douglas, 202–343–9353; Robert C. Bruce, 202–343–8735.

43 CFR Subpart 8300—General

Summary: This rule will be amended to revise the policy statement for recreation management of the public lands.

Originally Scheduled: October 1981.

Authority: 43 U.S.C. 1701 et seq., 869. 1181a, 315, 4321 et seq; 16 U.S.C. 4601–461, 1131, 1271–1287, 1241, 670; 29 U.S.C. 794.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Wesley R. Henry, 202–343–9353; Ted Hudson, 202–343–8735.

43 CFR Subpart 8351—Designated National Areas

Summary: This rule will be amended to prohibit, with certain exceptions, off-road vehicle use in National Scenic Trail corridor segments administered by the Bureau of Land Management.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 1246.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Del Price, 202–343–9353; Ted Hudson, 202–343–8735.

Action: Proposed rule was published October 19, 1981.

43 CFR Subpart 8351—Designated National Areas

Summary: This rule will be amended to provide procedures for the closing or restricting of the use of lands and water surface within the boundary of any component of the National Wild and Scenic River System administered by the Bureau of Land Management.
Originally Scheduled: April 1982.
Authority: 16 U.S.C. 3 and 1281(c).
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Bruce Brown, 202–343–9353; Ted Hudson, 202–343–8735.

43 CFR Part 8360—Operations

Summary: This rule, which provides the procedures for the operation of recreation areas, is being reviewed to determine if it is still needed and if it needs revising.
Originally Scheduled: April 1981.
Authority: 43 U.S.C. 1181(a)–(e), 1201, 1701 et seq.
Contact: Robert Conquergood, 202–343–9353; Ted Hudson, 202–343–8735.

43 CFR Subpart 8372—Use Authorizations

Summary: This rule will provide procedures allowing more timely filing of protests and appeals concerning decisions regarding special recreation permits.
Originally Scheduled: October 1981.
Authority: 43 U.S.C. 1201 et seq., 1701 et seq., 1181a; 16 U.S.C. 460–6a.
Determination of Effects: The determination as to whether this document is a major rule under Executive Order 12291 has not been made at this time.
Contact: Robert Conquergood, 202–343–9353; Ted Hudson, 202–343–8735.

43 CFR Part 8500—Wilderness Management

Summary: This rule will provide procedures for the use of Congressionally designated wilderness areas in public lands.
Originally Scheduled: October 1981.
Authority: 43 U.S.C. 1701 et seq.; 16 U.S.C. 1131.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: David Porter, 202–343–6064; R. O. Miller, 202–343–8735.

43 CFR Part 9230—Unauthorized Use

Summary: This rule will be amended to clarify those activities that are prohibited on the public lands and to provide managers with additional authority to resolve existing violations.
Originally Scheduled: April 1981.
Authority: 43 U.S.C. 1701 et seq.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been at this time.
Contact: Leroy Allen, 202–653–8815; Robert C. Bruce, 202–343–8735.

43 CFR Subpart 9239—Kinds of Trespass

Summary: This rule will be amended to clarify the authority of the Secretary of the Interior in instances of mineral trespass.
Orignally Scheduled: July 1980.
Authority: 30 U.S.C. 181 et seq.
Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.
Contact: David Carty, 202–343–8537; Robert C. Bruce, 202–343–8735.
Action: Proposed rule was published March 11, 1980.

43 CFR Part 9600—Cadastral Survey

Summary: This rule will be revised to remove outdated and burdensome provisions and to simplify the entire part.
Originally Scheduled: October 1981.
Authority: Reorganization Plan No. 3 of 1946.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Keith Williams, 202–653–8798; Robert C. Bruce, 202–343–8735.

BUREAU OF INDIAN AFFAIRS

25 CFR Part 1—Applicability of Rules of the Bureau of Indian Affairs

Summary: A review of this part indicated that minor administrative changes are required to clarify the language and to eliminate sex gender terms.
Originally Scheduled: October 1981.
Authority: 5 U.S.C. 301; 25 U.S.C. 2.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Ronal Eden, 202–343–7684.

25 CFR Part 2—Appeal from Administrative Actions

Summary: A review of this part indicated that minor administrative changes are required to clarify the language and to eliminate gender-specific terminology.
Originally Scheduled: October 1981.
Authority: 5 U.S.C. 301; 25 U.S.C. 2 and 9.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Ronal Eden, 202–343–7684.

25 CFR Part 11—Law and Order on Indian Reservations

Summary: This part is being revised to preclude Courts of Indian Offenses from adjudication intra-tribal governmental disputes absent consent of an Indian tribe (11.22). Consideration is also being given to revising this part to adopt state substantive law in place of the offenses presently enumerated in this part.
Originally Scheduled: January 1981.
Authority: 25 U.S.C. 2, 9.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Robert Thompson, 202–343–5134.

25 CFR Part 12—Code of Offenses for Navajo-Hopi Settlement Act Secretarial Responsibilities

Summary: This rule will be revised to reflect the Secretary's reduced law enforcement and judicial responsibilities in the area formerly known as the Joint Use Area under the July 8, 1980 amendments to the Navajo-Hopi Settlement Act, 25 U.S.C. 640d–640d–28. The rule will also be revised to clarify the Secretary's continuing responsibility to protect the rights and property of those individuals subject to relocation or who will be authorized to remain on lands covered by a life estate.
Originally Scheduled: October 1981.
Authority: 5 U.S.C. 301; 25 U.S.C. 2 and 9 and Pub. L. 93–531 as amended by Pub. L. 96–305; 25 U.S.C. 640d–640d–28.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Pat Hayes, 202–343–6857.

25 CFR Part 17—Action on Wills of Osage Indians

Summary: This rule is being revised to permit the Field Solicitor of the Department to: (1) approve/disapprove wills of persons of Osage Indian blood providing for the disposition of restricted property; (2) issue orders and decisions; (3) issue subpoenas and to administer oaths to witnesses testifying hearings; and (4) send appeals from decisions to the Regional Solicitor of the Department.
Originally Scheduled: January 1981.

Authority: Pub. L. 95–496.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Cecil Wood, Osage Agency, Bureau of Indian Affairs, Grandview Avenue, Pawhuska; OK 74056, 918–287–2431

25 CFR Part 23—Indian Child Welfare Act: Grants

Summary: This rule is being revised to elaborate and clarify the Indian Child Welfare Act grant application and appeal process (Subparts A, C, and F). These revisions will complement the related procedures in this part which also pertain to implementation of the Indian Child Welfare Act.

Originally Scheduled: January 1981.

Authority: 25 U.S.C. 2, 9, 1952; 5 U.S.C. 301.

Determination of Effects: The Department of Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Raymond Butler, 703–235–2756.

Action: Proposed rule was published December 12, 1980.

25 CFR Part 31c—Procedures and Practices

Summary: This rule will provide the Office of Indian Education Programs a set of education policies, procedures and practices for all education-related activities. Coordination of education policies will facilitate the streamlining of education services of the Areas and Agencies, establish limits for Bureau interference in tribal education programs and aid Congress in conducting more thorough oversight.

Originally Scheduled: January 1980.

Authority: Pub. L. 95–561; 25 U.S.C. 2013.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Jerry Waddell, 202–343–6676.

25 CFR Part 31d—School Boards

Summary: This rule will describe school boards and their powers and duties in relation to the education programs under the Bureau at the local, Agency, and Area levels and with respect to tribally contracted schools.

Originally Scheduled: January 1981.

Authority: Pub. L. 95–561.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: George D. Scott, 202–343–6675.

25 CFR Part 31e—Educational Standards

Summary: This rule will prescribe minimum academic standards for the basic education of Indian children in Bureau schools and provide the national criteria for use in the operations of dormitories by the Bureau.

Originally Scheduled: January 1980.

Authority: 25 U.S.C. 2001, 2002; Pub. L. 95–561.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: George D. Scott, 202–343–6675.

25 CFR Part 31h—Indian School Equalization Program

Summary: This rule will revise and expand the Indian school equalization formula by incorporating additional weighted factors and setting up administrative procedures for school closures and termination of education programs. The rule will also provide staff cost adjustment, establish a permanent formula implementation set-aside fund, authorize new schools, and expand Bureau-funded school programs to serve students not previously served.

Originally Scheduled: January 1981.

Authority: Pub. L. 95–561.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Jerry Waddell, 202–343–6676.

25 CFR Part 31i—Indian Rights and Responsibilities

Summary: This rule will set forth policies, requirements and procedures to ensure the protection of the constitutional and civil rights of students attending Bureau or contract schools and dormitories. This rule will also revoke 25 CFR Part 35.

Originally Scheduled: January 1981.

Authority: Pub. L. 95–561; 25 U.S.C. 2017.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Carmen Taylor, 202–343–4493.

Action: Proposed rule was published May 22, 1979.

25 CFR Part 31j—Provision of Educational Services by Bureau of Indian Affairs Under Section 1101(d) of Public Law 95–561

Summary: This rule will govern the provision of educational services to Indian children by the Bureau.

Originally Scheduled: January 1980.

Authority: Pub. L. 95–561.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: James Martin, 202–343–8657.

25 CFR Part 31k—Special Education

Summary: This rule will establish standards for the provision of special education and related services to Indian children in schools operated by or under the authority of the Bureau.

Originally Scheduled: January 1980.

Authority: Pub. L. 94–142.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Charles Cordova, 202–343–4071.

Action: Proposed rule was published September 29, 1980.

25 CFR Part 32—Administration of the Higher Education Program

Summary: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 U.S.C. 13. This rule applies only to educational grants; Bureau educational loans are governed by 25 CFR Part 91.

Originally Scheduled: January 1980.

Authority: 25 U.S.C. 13; Pub. L. 67–85.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Leroy Falling, 202–343–7387.

25 CFR Part 32a—Adult Education

Summary: This rule will establish procedures for the conduct of adult education programs operated by or under the authority of the Bureau.

Originally Scheduled: May 1978.

Authority: Pub. L. 93–638.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Leroy Falling, 202–343–7387.

25 CFR Part 32b—Grants to Tribally Controlled Community Colleges and Navajo Community College

Summary: Revision of 25 CFR Part 32b is needed to provide clarity of language and structure in certain subparts.
Originally Scheduled: October 1981.
Authority: 25 U.S.C. 1815.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Ed Lonefight, 202–343–7387.

25 CFR Part 32c—Bureau Operated Institutions of Higher and Post Secondary Education

Summary: This rule will revise the policies governing the Bureau's three post-secondary schools and reflect the national policies of Indian tribal self-determination.
Originally Scheduled: April 1981.
Authority: Pub. L. 95–471.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Leroy Falling, 202–343–7387.

25 CFR Part 33—Employment Assistance for Adult Indians

Summary: This rule will describe eligibility criteria required for participation in the Bureau's program of Employment Assistance for Adult Indians and explain application procedures. This will be a new part added to 25 CFR. This program has been in existence in some form since 1949 but has never before been described in 25 CFR.
Originally Scheduled: October 1981.
Authority: 25 U.S.C. 13.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E. O. 12291.
Contact: Bob Delaware, 202–343–8428.
Action: Proposed rule will be published by May 1982.
The information collection requirements contained in section 33.4 of this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

25 CFR Part 34—Vocational Training for Adult Indians

Summary: This rule will describe eligibility criteria required for participation in the Bureau's program of vocational training for adult Indians and explain application procedures.
Originally Scheduled: May 1978.
Authority: Pub. L. 84–959; Pub. L. 88–230.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Bob Delaware, 202–343–8428.
Action: Proposed rule will be published by May 1982.
The information collection requirements contained in section 33.4 of this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

25 CFR Part 42—Enrollment Appeals

Summary: As a result of reviewing this part, it has been determined that revisions are necessary in order to eliminate sex-based criteria and gender-specific terminology. This part provides the procedures governing enrollment appeals.
Originally Scheduled: January 1981.
Authority: 25 U.S.C. 2, 9.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Mitchell L. Bush, 703–235–8323.

25 CFR Part 43d—Preparation of a Membership Roll of the Pribilof Islands Aleut Communities of St. Paul and St. George

Summary: This rule will add a new Part to provide procedures to govern the preparation of a membership roll to serve as a basis for the distribution of judgment funds pursuant to a judgment plan. The judgment plan, which became effective June 22, 1980, was prepared in accordance with the Act of October 19, 1973 (87 Stat. 466). The substantive requirements for enrollment will be in accordance with the Communities' membership provisions.
Originally Scheduled: April 1981.
Authority: Pub. L. 93–134.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Mitchell L. Bush, 703–235–8323.

25 CFR Part 43e—Preparation of a Roll of Mohave Descendants Enrolled as Members of the Colorado River Indian Tribes

Summary: This rule will add a new Part to provide procedures to govern the preparation of a roll of Mohave descendants enrolled as members of the Colorado River Indian Tribes to serve as a basis for the distribution of judgment funds pursuant to a judgment plan. The judgment plan, which became effective April 12, 1976, was prepared in accordance with the Act of October 19, 1973 (87 Stat. 466).
Originally Scheduled: April 1981.
Authority: 25 U.S.C. 2, 9.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Mitchell L. Bush, 703–235–8323.
Action: Proposed rule was published October 24, 1981.
Final rule was published December 28, 1981.

25 CFR Part 43h—Preparation of a Roll of Alaska Natives

Summary: This rule is being amended to provide procedures for the redetermination of permanent residence of Alaska Natives enrolled pursuant to Pub. L. 92–303 in accordance with section 1(c) of Pub. L. 94–204.
Originally Scheduled: April 1981.
Authority: Pub. L. 94–204; Pub. L. 92–203.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Mitchell L. Bush, 703–235–8323.

25 CFR Part 43k—Final Roll of the Menominee Tribe of Wisconsin

Summary: As a result of reviewing this part, it has been determined that this rule has served the purpose for which issued and it will be revoked. The membership roll of the Menominee Tribe has been conpleted, and the Tribe has assumed maintenance of its membership roll (43k.14).
Originally Scheduled: April 1981.
Authority: 5 U.S.C. 301; 87 Stat. 773.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Mitchell L. Bush, 703–235–8323.

25 CFR Part 431—Preparation of a Roll to Serve as the Basis for the Distribution of Judgment Funds Awarded Certain Warm Springs Indians

Summary: This rule, which is scheduled for review, governs the compilation of a roll of certain members of the Confederated Tribes of the Warm Springs Reservation Living on February 18, 1975. The roll shall be used for distribution of the judgment awarded the Tribes by the Indian Claims Commission in Docket 198.
Originally Scheduled: April 1981.
Authority: 87 Stat. 466.
Contact: Mitchell L. Bush, 703–235–8323.

25 CFR Part 43p—Revision of Final Roll of the Confederation Tribes of Siletz Indians of Oregon

Summary: As a result of review, it has been determined that this rule has served the purpose for which issued and will be revoked. The membership roll of the Confederated Tribes of Siletz Indians of Oregon has been completed and the Tribe has assumed maintenance of its membership roll.

Originally Scheduled: October 1981.

Authority: Pub. L. 95–195.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Mitchell L. Bush, Jr., 703–235–8323.

25 CFR Part 47—Revision of the Membership Roll of the Eastern Band of Cherokee Indians, North Carolina

Summary: This rule provides procedures to govern the revision of the membership roll of the Eastern Band of Cherokee Indians. As a result of review, it was determined that revision was necessary in order to eliminate sex-based criteria and gender-specific terminology and make certain other minor administrative changes. It was also determined that section 47.19 has served the purpose for which issued and will be revoked.

Originally Scheduled: October 1981

Authority: Section 2, 71 Stat. 374.

Determination of Effects: The determinations as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Mitchell L. Bush, Jr., 703–235–8323.

25 CFR Part 54—Procedures for Establishing that an American Indian Group Exists as an Indian Tribe

Summary: As a result of review, this revision will establish procedures for acknowledging that certain American Indian tribes exist. This revision is determined necessary to provide clarity, to establish deadlines, and to eliminate gender-specific terminology.

Originally Scheduled: October 1981.

Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: John A. Shapard, Jr., 703–235–2360.

25 CFR Part 60—Use and Distribution of Indian Judgment Funds

Summary: This rule is being revised to reflect anticipated amendments to the Indian Judgment Funds Act of October 19, 1973. Principal amendments would affect the time period for submittal of Secretarial plans to Congress.

Originally Scheduled: January 1980.

Authority: Pub. L. 93–134.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Steve Feraca, 202–343–4623.

25 CFR Part 72—Attorney Contracts with Indian Tribes

Summary: The rule will be amended to: (1) clarify the circumstances under which the Bureau may provide funds to an Indian tribe for the payment of a private attorney's legal services; and (2) establish the current policy of tribal self-determination, minimize the Federal government's involvement in tribal self-government and simplify the regulations by making all tribes, regardless of their organizational status, subject to a single set of regulations.

Originally Scheduled: July 1980.

Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 13, 81, 82a, 450, 476.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Evelyn Pickett, 202–343–4045; Hans Walker, 202–343–9401.

Action: Proposed rules were published July 17, 1980 and December 16, 1980.

25 CFR Part 80—Indian Business Development Program

Summary: This rule will be amended to reflect the requirements necessary to implement the special economic development progrm.

Originally Scheduled: April 1982.

Authority: 25 U.S.C. 2 and 9.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: John Geary, 202–343–2678.

25 CFR Part 88—Indian Fishing in Alaska

Summary: This rule, which is scheduled for review, regulates all fishing in Alaska within the Annette Island Reserve and Indian and other native commercial fishing in the Karluk Indian Reservation.

Originally Scheduled: April 1981.

Authority: 25 U.S.C. 2, 9; 43 U.S.C. 1457; 48 U.S.C. 358, 358a.

Contact: Ulyses S. St. Arnold, 202–343–6574.

25 CFR Part 89—Commercial Fishing on Red Lake Reservation

Summary: This rule, which is scheduled for review, grants authority to the Red Lake Fisheries Association and its members to engage in commercial fishing in accordance with stated regulations.

Originally Scheduled: April 1981.

Authority: 25 U.S.C. 2, 301.

Contact: Ulyses S. St. Arnold, 202–343–6574.

25 CFR Part 90—Reindeer in Alaska

Summary: As a result of review, this rule will be revised to provide Alaska Native reindeer owners, government officials and other persons with explicit guidance for administration of the reindeer industry in Alaska and eliminate certain legal ambiguities affecting the industry.

Originally Scheduled: April 1981.

Authority: 48 U.S.C. 250b, 250k; 50 Stat. 900; 50 Stat. 902.

Contact: John A. Moore, Juneau Area Office, Federal Building, P.O. Box 3–8000, Juneau, AK 99802, 907–586–7404.

25 CFR Part 101—Annuity and Other Per Capita Payments

Summary: This rule, which is scheduled for review, establishes procedural requirements for paying annuity and other per capita payments.

Originally Scheduled: April 1981.

Authority: 5 U.S.C. 301.

Contact: Barbara Davis, 202–343–2963.

25 CFR Part 102—Pro Rata Shares of Tribal Funds

Summary: This rule, which scheduled for review, establishes eligibility criteria and procedural requirements for applying for a pro rate share of tribal funds.

Originally Scheduled: April 1981.

Authority: 25 U.S.C. 121; 34 Stat. 1221.

Contact: Barbara Davis, 202–343–2963.

25 CFR Part 104—Individual Indian Money Accounts

Summary: This rule, which is scheduled for review, governs the deposit and disbursement of funds belonging to individual Indians.

Originally Scheduled: October 1981.

Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9; 45 U.S.C. 1457.

Contact: Barbara Davis, 202–343–2963.

25 CFR Part 107—Creation of Trusts for Restricted Property of Indians, Five Civilized Tribes, Oklahoma

Summary: This rule, which is scheduled for review, governs the establishment of trust estates for

Indians of the Five Civilized Tribes, Oklahoma.

Originally Scheduled: October 1981.

Authority: Section 7, 47 Stat. 778.

Contact: Dennis Springwater, Muskogee Area Office, Federal Building, Muskogee, OK 74401, 918–687–2314.

25 CFR Part 108—Deposit and Expenditure of Individual Funds of Members of the Osage Tribe of Indians who do not have Certificates of Competency

Summary: This rule, which is scheduled for review, governs deposit and expenditure of individual funds of the Osage Tribe of Indians who do not have Certificates of Competency.

Originally Scheduled: October 1981.

Authority: 5 U.S.C. 301.

Contact: Camille Pangburn, Osage Agency, Pawhuska, OK 74056, 918–287–2481.

25 CFR Part 109—Judgment Funds, Shoshone Tribe of the Wind River Reservation, Wyoming

Summary: This rule, which is scheduled for review, outlines programs required and purposes for which expenditures of judgment funds of the Shoshone Tribe of the Wind River Reservation, Wyoming, may be made.

Originally Scheduled: October 1981.

Authority: Section 2, 53 Stat. 1128; 25 U.S.C. 572.

Contact: Alonzo T. Spang, Sr., Wind River Agency, Fort Washakie, WY 82514, 307–255–8301.

25 Part 110—Distribution of Judgment Awarded the Cherokee Nation or Tribe of Indians

Summary: This rule, which is scheduled for review, governs the disposition of judgment funds of the Cherokee Nation or Tribe of Indians of Oklahoma.

Originally Scheduled: April 1981.

Authority: 25 U.S.C. 998; 76 Stat. 776.

Contact: Mitchell Bush, 703–235–8323.

25 CFR Part 111—Reimbursement of the Ute Tribe of the Uintah and Ouray Reservation, Utah

Summary: This rule, which is scheduled for review, governs payment made by the Secretary to those persons whose names appear on the final roll of mixed-blood Indians that was prepared pursuant to Section 8 of the Act of August 27, 1954 (68 Stat. 868), or to their heirs.

Originally Scheduled: April 1981.

Authority: 84 Stat. 843.

Contact: Barton Wright, Bureau of Indian Affairs, P.O. Box 127, Albuquerque, NM 87103, 505–474–3496.

25 CFR Part 112—Distribution of Judgment Funds Awarded to Osage Tribe of Indians in Oklahoma

Summary: This rule, which is scheduled for review, governs the distribution, pursuant to the Act, of judgment funds awarded to the Osage Tribe of Indians of Oklahoma.

Originally Scheduled: October 1981.

Authority: 5 U.S.C. 301; 86 Stat. 1295.

Contact: Camille Pangburn, Osage Agency, Pawhuska, OK 74056, 918–287–2481.

25 CFR Part 114—Procedures for Deposition Funds to the Credit of 14x6140: Deposits of Proceeds of Lands Withdrawn for Native Selection

Summary: This rule, which is scheduled for review, describes the procedures to be used by all Departments and Agencies of the Federal government and the State of Alaska for the deposit of proceeds derived from contracts, leases, permits, and rights-of-way or easements pertaining to affected lands or resources in affected lands withdrawn for Native selection pursuant to the Alaska National Interest Lands Conservation Act.

Originally Scheduled: April 1981.

Authority: Pub. L. 96–487.

Contact: Scott Keep, 202–343–5134.

25 CFR Part 121—Issuance of Patents in Fee, Certificate of Competency, Removal of Restrictions and Sale of Certain Indian Lands

Summary: This rule will clarify language, provide additional cross-references and add certain new provisions which more fully encompass the authority found in the statutes.

Originally Scheduled: January 1979.

Authority: 25 U.S.C. 378, 379, 404, 405, 372, 373, 483, 355.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Wilford Bowker, Portland Area Office, Bureau of Indian Affairs, P. O. Box 3785, Portland, OR 97208, 503–231–6714.

25 CFR Part 123—Osage Roll, Certificate of Competency

Summary: This rule, which is scheduled for review, establishes a determination and preparation of Osage Roll Issuance of Certificates of Competency to less than half blood Osages.

Originally Scheduled: April 1981.

Authority: 25 U.S.C. .331; 62 Stat. 18.

Contact: Wayne Nordwall, 202–343–7738.

25 CFR Part 124—Equalization of Allotments: Aqua Caliente (Palm Springs) Reservation, California

Summary: This rule will be revoked because the purposes of the law has been accomplished.

Originally Scheduled: April 1982.

Authority: 5 U.S.C. 301.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Lou White, 202–343–7738.

25 CFR Part 126—Allotment of Lands on the Cabazon and Augustine Indian Reservations, Riverside County, California

Summary: This rule will be revoked because the purpose of the law has been accomplished.

Originally Scheduled: April 1982.

Authority: 5 U.S.C. 301.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Lou White, 202–343–7738.

25 CFR Part 130—Allotment of Lands on the Torres-Martinez Indian Reservation, California

Summary: This rule is scheduled for review, governs the preparation of allotment schedules containing the names and allotment selection of the unallotted members of the Torres-Martinez Band of Mission Indians.

Originally Scheduled: April 1981.

Authority: 64 Stat. 472.

Contact: Wayne Nordwall, 202–343–7738.

25 CFR Part 130—Allotment of Lands on the Torres-Martinez Indian Reservation, California

Summary: This rule will be revoked because the purpose of the law has been accomplished.

Originally Scheduled: April 1982.

Authority: 5 U.S.C. 301.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Lou White, 202–343–7738.

25 CFR Part 131—Leasing and Permitting

Summary: This rule will reorganize Part 131 into three new subheadings: (1) How to Acquire Leases; (2) Special Provisions and Requirements of Leases; and (3) Special Provisions for Specific Reservations. These revisions will facilitate the use of the regulations for easier reference.

Originally Scheduled: July 1979.

Authority: 25 U.S.C. 380, 393, 394, 395, 397, 402, 402a, 403, 403a–c, 415, 415a–d, 477, 635.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before its is published as a final rule.

Contact: Robert Jones, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, AZ 85011, 802–261–2275.

Action: Proposed rule was published October 27, 1978.

25 CFR Part 132—Preservation of Antiquities

Summary: Part 132 is authorized by the Antiquities Act of 1906 (16 U.S.C. 432) which has been largely superseded by the Archeological Resources Protection Act (16 U.S.C. 470aa). This part will be revised and redesignated Part 281, subpart B.

Originally Scheduled: October 1981.

Authority: 16 U.S.C. 470aa.

Determination of Effects: The determination as to whether this document is major rule under E.O. 12291 has not been made at this time.

Contact: Dean Suagee, 202–343–4541.

25 CFR Part 141—General Forest Regulations

Summary: This rule will be updated and revised to reflect economic and technical changes pertinent to timber management and harvesting since the last revision in 1976. The revision will also eliminate gender-specific terminology.

Originally Scheduled: October 1981.

Authority: 25 U.S.C. 406, 407 and 4667.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Fred Malroy, 202–343–6067.

25 CFR Part 142—Sale of Lumber and Other Forest Products Produced by Indian Enterprises from the Forests on Indian Reservations

Summary: This part will be revised to eliminate gender-specific terminology.

Originally Scheduled: October 1981.

Authority: 54 Stat. 504, as amended; 5 U.S.C. 301, 41 U.S.C. 6b.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Fred Malroy, 202–343–6067.

25 CFR 144—Sale of Forest Products, Red Lake Indian Reservation, Minnesota

Summary: This part will be revised to eliminate gender-specific terminology.

Originally Scheduled: October 1981.

Authority: Section 9, 39 Stat. 137, as amended; 5 U.S.C. 301; 41 U.S.C. 66.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Fred Malroy, 202–343–6067.

25 CFR Part 151—General Grazing Regulations

Summary: This rule, which is scheduled for review, protects grazing land from abuse and also authorizes a permitting system.

Originally Scheduled: April 1981.

Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 68, 179, 397, 402, 403, 466, 394, 393, 413, 476, 477, 68a, 87a, 415, 415a–d.

Contact: Bobby Eason, 202–343–4004.

25 CFR Part 152—Navajo Grazing Regulations

Summary: This rule, which is scheduled for review, protects Navajo grazing land from abuse and also authorizes a permitting system. This rule will apply to the Navajo Reservation.

Originally Scheduled: October 1981.

Authority: 25 U.S.C. 9, 179, 397, 345, 402.

Contact: Sam Miller, 202–343–4004.

25 CFR Part 153—Grazing Regulations for Former Navajo-Hopi Joint Use Area Lands

Summary: This rule will be revised to clarify the Secretary's responsibilities over grazing control and range restoration activities in the area formerly known as the Joint Use Area under the July 9, 1980 amendments to the Navajo-Hopi Settlement Act, 25 U.S.C. 640d–640d–28. The rule will also be revised to correct vague and/or ambiguous language contained in certain provisions of the existing rule.

Originally Scheduled: October 1981.

Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 640d, 640d–28.

Determination of Effects: The determination whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Pat Ragsdale, Assistant Area Director, Phoenix Area Office, Bureau of Indian Affairs, 3030 N. Central, Arizona Bank Building, P.O. Box 7007, Phoenix, AZ 85011, 602–241–2305.

25 CFR Part 162—Roads of the Bureau of Indian Affairs

Summary: This part is being amended to reflect the current Bureau responsibility for the roads systems on Indian reservations.

Originally Scheduled: April 1981.

Authority: 25 U.S.C. 47; 42 U.S.C. 2000e(b); 23 U.S.C. 101(a), 208, 308; 36 Stat. 861; 45 Stat. 750.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: James T. Ball, 202–343–6041.

25 CFR Part 171—Contracts for Prospecting and Mining on Indian Mineral Lands

Summary: The regulations in this part govern contracts for the prospecting and mining of Indian-owned minerals, other than oil, gas and coal. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one part.

Originally Scheduled: May 1978.

Authority: 25 U.S.C. 396, 396d, 415, 476, 477.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Tom Riggs, 202–343–3722; Ken Core, 202–343–3722.

Action: Proposed rule was published August 11, 1980.

25 CFR Part 172—Leasing of Allotted Lands for Mining

Summary: As a result of review, it has been determined that this part is no longer necessary and should be revoked. The rules which currently govern the leasing of oil and gas on Indian allotted lands will be replaced by a new 25 CFR Part 182.

Originally Scheduled: April 1981.

Authority: 25 U.S.C. 396; 35 Stat. 396.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Tom Riggs, 202–343–3722; Ken Core, 202–343–3722.

Action: Proposed rule was published August 11, 1980.

25 CFR Part 177—Operation, Reclamation and Conservation on Mineral Lands

Summary: This rule will provide for mining and exploration plans, performance plans and other operational aspects of mining on Indian lands, including compliance with the National Environmental Policy Act.

Originally Scheduled: May 1978.

Authority: 25 U.S.C. 380, 396, 396d, 415, 476, 477; 42 U.S.C. 4332.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Tom Riggs, 202–343–3722; Ken Core, 202–343–3722.

Action: Proposed rule was published August 11, 1980.

25 CFR Part 178—Management of Iribal Assets of the Ute Indian Tribe, Uintah and Ouray Reservation, Utah, by the Tribe and the Ute Distribution Corporation

Summary: This rule, which is scheduled for review, establishes the procedures for exercising joint management of Ute Indian Tribe assets by the Tribe and the Ute Distribution Corporation.

Originally Scheduled: April 1981.

Authority: 25 U.S.C. 677–677aa.

Contact: Charles Spilman, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, AZ 85011, 602–241–22854.

25 CFR Part 179—Review of Tribal Ordinances Imposing Taxes on Mining Activities on Indian Lands

Summary: This rule will state the procedure and criteria the Secretary will follow in reviewing tribal ordinances imposing taxes on mining activities on Indian lands.

Originally Scheduled: April 1982.

Authority: 25 U.S.C. 2 and 9.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Anita Vogt, 202–343–8526.

25 CFR Part 182—Oil and Gas Contracts

Summary: This part will govern contracts for the development of Indian owned oil and gas reserves. The regulations would replace existing regulations in 25 CFR Part 172.

Originally Scheduled: May 1978.

Authority: 25 U.S.C. 396, 396d 415, 476, 477; 42 U.S.C. 4332.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E. O. 12291.

Contact: Tom Riggs 202–343–3722; Ken Core 202–343–3722.

Action: Proposed Rule was published August 11, 1980.

25 CFR Part 191—Operation and Maintenance

Summary: This rule, which is scheduled for review, provides for the expeditious administration of Indian irrigation projects by authorizing changes to O&M assessment rates including such information that is pertinent to the assessment, payment, and collections of the charges by general notice in the Federal Register.

Originally Scheduled: October 1981.

Authority: 25 U.S.C. 385.

Contact: Charles P. Corke 202–343–4004.

25 CFR Part 202—Pueblo Indian Lands Benefited by Irrigation and Drainage Works of Middle Rio Grande Conservancy District, New Mexico

Summary: This rule, which is scheduled for review, provides for the payment of O&M and betterment assessments by the United States to the Middle Rio Grande Conservancy District.

Originally Scheduled: October 1981.

Authority: 45 Stat. 312.

Contact: Charles P. Corke 202–343–4004.

25 CFR Part 203—Concessions, Permits and Leases on Lands Withdrawn or Acquired in Connection with Indian Irrigation Projects

Summary: This rule, which is scheduled for review, provides for the granting of concessions, business, argicultural and grazing leases or permits on reservoir sites, reserves for canals or flowage areas, and other lands withdrawn or otherwise acquired in connection with the San Carlos, Fort Hall, Flathead and Duck Valley or Western Shoshone irrigation projects.

Originally Scheduled: October 1981.

Authority: 52 Stat. 193; 25 U.S.C. 390.

Contact: Charles P. Corke 202–343–4004.

25 CFR Part 211—Partial Payment Construction Changes on Indian Irrigation Projects

Summary: This rule, which is scheduled for review, provides for the partial reimbursement of irrigation construction charges on Indian irrigation projects, with exceptions as noted.

Originally Scheduled: October 1981.

Authority: 25 U.S.C. 385.

Contact: Charles P. Corke 202–343–4004.

25 CFR Part 212—Construction Assessments, Crow Indian Irrigation Project

Summary: This rule, which is scheduled for review, provides for construction assessments on Irrigation District lands and for non-Indian lands not included in an Irrigation District served by the Crow Indian Irrigation Project.

Originally Scheduled: October 1981.

Authority: Section 15, 60 Stat. 338.

Contact: Charles P. Corke 202–343–4004.

25 CFR Part 213—Fort Hall Indian Irrigation Project, Idaho

Summary: This rule, which is scheduled for review, establishes a construction repayment schedule that will be in effect until 1995 for the Fort Hall Unit of the Fort Hall Indian Irrigation Project.

Originally Scheduled: April 1981.

Authority: 46 Stat. 1063.

Contact: Charles P. Corke 202–343–4004.

25 CFR Part 215—Reimbursement of Construction Costs: San Carlos Indian Irrigation Project, Arizona

Summary: This rule, which is scheduled for review, establishes a payment construction schedule for the San Carlos Indian Irrigation Project.

Originally Scheduled: April 1981.

Authority: 43 Stat. 476.

Contact: Charles P. Corke 202–343–4004.

25 CFR Part 216—Reimbursement of Construction Costs, Ahtanum Unit, Wapato Indian Irrigation Project, Washington

Summary: This rule, which is scheduled for review, provides for repayment of construction costs of the completed Ahtanum Unit of the Wapato Indian Irrigation Project. Annual assessments are due each year till 1997. The entire cost of construction must be repaid to the U.S. Treasury.

Originally Scheduled: October 1981.

Authority: 25 U.S.C. 385.

Contact: Charles P. Corke 202–343–4004.

25 CFR Part 218—Reimbursement of Construction Costs Wapato-Satus Unit, Wapato Indian Irrigation Project, Washington

Summary: This rule, which is scheduled for review, provides for repayment of construction costs to the U.S. Treasury. Annual assessments are charged at rates depending on ownership as to Indian or non-Indian. Final payments are due in the year 2002.

Originally Scheduled: October 1981.

Authority: 25 U.S.C. 386.

Contact: Charles P. Corke, 202–343–4004.

25 CFR Part 221—Operations and Maintenance Charges

Summary: The provision which establishes the criteria for determining operation and maintenance charges of the Joint Works will be amended (221.69d). A review of the operating policies of the San Carlos irrigation project indicates that operation and maintenance charges of the Joint Works

should include the cost of the electrical energy required for the operation of irrigation pumps.

Originally Scheduled: April 1981.

Authority: 25 U.S.C. 385, 387.

Determination of Effects: the Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Walter Parks, San Carlos, Irrigation Project, P.O. Box 456, Coolidge, AZ 85228, 602–723–5439.

25 CFR Part 232—Flathead Indian Irrigation Project, Montana

Summary: This rule, which is scheduled for review, contains regulations to be followed for the operation of the electric power system at the Flathead Project, Montana.

Originally Scheduled: April 1981.

Authority: 62 Stat. 273; 5 U.S.C. 301.

Contact: Charles P. Corke, 202–343–4004.

25 CFR Part 233—San Carlos Indian Irrigation Project, Arizona

Summary: This rule, which is scheduled for review, provides for the administration of the electric power system of the San Carlos Indian Irrigation Project. The project engineer is responsible for the operation of the electric power system and the enforcement of the regulations promulgated to provide power for the project and other client customers.

Originally Scheduled: October 1981.

Authority: Section 5, 43 Stat. 476; 45 Stat. 210, 211; 5 U.S.C. 301.

Contact: Charles P. Corke, 202–343–4004.

25 CFR Part 251—Licensed Indian Traders

Summary: On April 25, 1980, the Bureau published a proposed rule that would have amended the regulations governing Indian traders on most Indian reservations. That proposal would have restricted application of the regulations to businesses located in isolated communities where there is an absence of competition. Most comments received were strongly opposed to the proposal and supportive of diligent enforcement of the trader regulations on all Indian reservations. In response to those comments, the Bureau has proposed to modernize the trading regulations by adopting as its regulations the consumer protection statutes of the state where the business is located.

Originally Scheduled: April 1981.

Authority: 25 U.S.C. 261, 262.

Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

The Department of the Interior has determined that this document will have a significant economic effect on a substantial number of small entities and requires a small entity flexibility analysis under Pub. L. 96–354. This rule would have a significant effect on all small businesses operating on Indian reservations (other than the Navajo, Hopi or Zuni reservations) except those businesses operated by the tribe or its members. The affected businesses would be required to comply with state consumer protection laws. Those businesses operating on reservations not listed in 251.28 of the proposed rule would also be required to post bond, be subject to monitoring by the Bureau and keep records of sales to customers.

Contact: Eugene F. Suarez, 202–343–5786.

Action: Proposed rule was published January 6, 1981.

A Notice withdrawing the proposed rule will be published by June 1982.

25 CFR Part 254—Operation of U.S.M.S "North Star" between Seattle, Washington, and Stations of the Bureau of Indian Affairs and Other Government Agencies, Alaska

Summary: This Part, which is scheduled for review, outlines passenger and freight services offered by the U.S.M.S. North Star.

Originally Scheduled: April 1981.

Authority: 5 U.S.C. 301.

Contact: Gerald Taylor, Seattle Liaison Office, Bureau of Indian Affairs, 816 United Pacific Building, Seattle, WA 98104, 206–442–5516.

25 CFR Part 256—Fraser River Convention Sockeye and Pink Salmon Fishery

Summary: This part is revised annually to take into account changed fishing conditions and to make improvement based upon experience with existing rules. This rulemaking involves close collaboration with the Department of State and Commerce.

Originally Scheduled: April 1982.

Authority: 25 U.S.C. 2, 9; 43 U.S.C. 1457.

Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Contact: Robin A. Friedman 202–343–8526.

25 CFR Part 258—Indian Fishing: Hoopa Valley Indian Reservation

Summary: As a result of recommendations submitted by a committee of Indians of the Hoopa Valley Indian Reservation, this rule will be revised to include: a confidentiality requirement for court records of juveniles; new enforcement procedures to govern checking of identification cards; clarification of net marking procedures; changes in catch reporting requirements; a ban on gillnet fishing during a weekday daylight hours during the fall chinook run; a ban on gillnets from Klamath River during November; permitting of drift netting below the 101 Bridge from December 2 through July 14; permitting one end of a set net to be unanchored; listing tributaries that may not be blocked by nets and increasing the distance that nets must be away from those tributaries; establishing a separate offense for using another person's identification number; revising the system for fishing for the elderly and incapacitated; changing the fish marking system; requiring law enforcement officers to notify net owners directly when they seize a net and know who the net owner is; and, revisions in the penalties imposed for violations.

Originally Scheduled: April 1981.

Authority: 43 U.S.C. 1457; 25 U.S.C. 2, 9.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Wilson Barber, Northern California Agency, Bureau of Indian Affairs, P.O. Box 367, Hoopa, CA 95546, 916–625–4285.

Action: Proposed rule will be published by April 15, 1982.

Final rule is scheduled to be published and to become effective by July 15, 1982.

25 CFR Part 259—Preference in Employment

Summary: This part, which is scheduled for review, outlines the Bureau policy of extending preference to Indians in making appointments to vacancies in all positions.

Originally Scheduled: January 1981.

Authority: 25 U.S.C. 43, 44, 46, 348, 472, 479.

Contact: Pat Fulgham, 202–343–9306.

25 CFR Part 260—Use of Water on Indian Reservations

Summary: This rule will state the criteria the Secretary will follow in determining whether to approve water codes enacted by Indian tribes which would regulate the use of water on Indian reservations.

Originally Scheduled: April 1981.
Authority: 25 U.S.C. 1a, 2, 9, 381, 415.
Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. the document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.
Contact: Joseph R. Membrino, 202–343–6967.
Action: Proposed rule was published January 5, 1982.

25 CFR Part 271—Contracts under Indian Self-Determination and Education Assistance Act

Summary: The purpose of this rule is to change the method of award to tribes under the Self-Determination and Education Assistance Act, from contracts to grants. This action is taken pursuant to the Federal Grant and Cooperative Agreement Act.
Originally Scheduled: October 1981.
Authority: 25 U.S.C. 450; 41 U.S.C. 501.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Dale Heald, 202–343–4796; Jim Burris 202–343–4796.

25 CFR Part 272—Grants Under Indian Self-Determination and Education Assistance Act

Summary: The purpose of this rule is to change the method of award to tribes under the Self-Determination and Education Assistance Act, from contracts to grants. This action is taken pursuant to the Federal Grant and Cooperative Agreement Act.
Originally Scheduled: October 1981.
Authority: 25 U.S.C. 450; 41 U.S.C. 501.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Dale Heald 202–343–4796; Jim Burris 202–343–4796.

25 CFR Part 273—Education Contracts Under Johnson-O'Malley Act

Summary: This rule will revise and provide consistency with the requirements for tribes under 25 CFR Part 271, clarify the relationship between tribes and Indian education committees and organize the subparts for easier use.
Originally Scheduled: May 1978.
Authority: Pub. L. 95–561.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291
Contact: Noah Allen 202–343–8657.

25 CFR Part 274—School Construction Contracts or Services for Tribally Operated Previously Private Schools

Summary: This part is being revised to include the Office of Indian Education Programs in the application and approval procedures for the award of contracts under Pub. L. 93–638.
Originally Scheduled: April 1981.
Authority: 25 U.S.C. 458, 458d; Pub. L. 93–638; Pub. L. 95–561; Pub. L. 96–46.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Jay T. Suagee 202–343–2706; Harvey Jacobs 202–343–4493.

25 CFR Part 275—Staffing

Summary: This part, which is scheduled for review, outlines methods available to tribes for utilizing the services of Bureau employees. It is expected that revisions will be made to include the Office of Indian Education Programs in the application and approval procedures for the award of contracts under Pub. L. 93–638.
Originally Scheduled: January 1981.
Authority: 42 U.S.C. 4762; 25 U.S.C. 4501; 26 U.S.C. 48.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Pat Fulgham 202–343–9306; Harvey Jacobs 202–343–5517.

25 CFR Part 276—Uniform Administrative Requirements for Grants

Summary: This rule, which is scheduled for review, establishes requirements for the uniform administration of grants to Indian Tribal Governments, pursuant to Pub. L. 93–638.
Originally Scheduled: January 1981.
Authority: Pub. L. 93–638.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: Don Asbra 703–235–8061.

25 CFR Part 277—School Construction Contracts for Public Schools Under Indian Self-Determination and Education Assistance Act

Summary: The purpose of this rule is to change the method of award to tribes under the Self-Determination and Education Assistance Act, from contracts to grants. This action is taken pursuant to the Federal Grant and Cooperative Agreement Act.
Originally Scheduled: October 1981.
Authority: 25 U.S.C. 450; 41 U.S.C. 501.
Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.
Contact: John Carmody, P.O. Box 1788, Albuquerque, NM 87103, 505–766–2985.

25 CFR Part 278—Special Economic Development

Summary: This Part will contain regulations which offer grants to Indian tribes for business development, development of natural resources, and which encourage non-Federal investment and promote sound business principles.
Originally Scheduled: April 1982.
Authority: 25 U.S.C. 2 and 9.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: John Geary 202–343–2678.

25 CFR Part 280—Guidance on the Application of the National Environmental Policy Act to Bureau Decisions

Summary: This rule will provide guidance to tribal governments and other persons and entities that propose the Bureau take an action which must be preceded by the preparation of either an environmental impact statement or an environmental assessment.
Originally Scheduled: April 1981.
Authority: 42 U.S.C. 4321–4347.
Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.
Contact: Dean Suagee 202–343–4541.

25 CFR Part 281—Heritage Preservation

Summary: This rule will establish procedures for implementing the requirements of legislation relating to cultural resources. Subpart A will implement the requirements of the National Historic Preservation Act as it pertains to Bureau actions which may affect properties that are listed on the National Register of Historic Places. Subpart B will implement the requirements of the Archaeological Resources Protection Act, particularly the requirement that no archaeological resources may be excavated without a permit.
Originally Scheduled: April 1981.
Authority: 16 U.S.C. 469, 470aa; 470f; 42 U.S.C. 1996.
Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Contact: Dean Suagee 202–343–5414.

Action: Subpart A was published as a proposed rule September 15, 1980.

Subpart B will be published following the publication of Departmentwide rules by the National Park Service.

41 CFR Chapter 14H—Buy Indian Act Contracting

Summary: This rule will add a new Part to 41 CFR chapter 14H in order to establish policies and procedures concerning the Bureau of Indian Affairs Acquisition management system. This issuance pertains to contracts (excluding construction) entered into with Indian contractors for the products of Indian industry pursuant to the Act of June 25, 1910 (25 U.S.C. 47), which Act is usually referred to as the "Buy Indian Act."

Originally Scheduled: April 1982.

Authority: 25 U.S.C. 47.

Determination of Effects: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Contact: Peter A. Campanelli 703–235–8061.

Note.—A document published in the **Federal Register** on March 30, 1982 (47 FR 13327) redesignated numerous parts of 25 CFR Chapter I for the purpose of organizing the Chapter in a more logical sequence. Such redesignations are not reflected in their publication.

[FR Doc. 82–10534 Filed 4–19–82; 8:46 am]

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April 20, 1982

Part III

Department of Labor

Occupational Safety and Health Administration

Occupational Safety and Health Standards for Shipyard Employment; Final Rule

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1915, 1916, and 1917

Occupational Safety and Health Standards for Shipyard Employment

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule; Consolidation of standards.

SUMMARY: By this action, the Occupational Safety and Health Administration (OSHA) is consolidating its existing standards pertaining to shipyard employment. These standards presently comprise Parts 1915, 1916, and 1917 of Title 29 of the Code of Federal Regulations and cover, respectively, ship repairing, shipbuilding and shipbreaking operations. This action consolidates these standards into a single, comprehensive Part 1915, thereby eliminating duplicative and overlapping provisions. Other minor, nonsubstantive changes are also included in this action.

EFFECTIVE DATE: This action will be effective May 20, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. M. Robert Daly, Office of Maritime Safety Standards, Occupational Safety and Health Administration, Room N3471, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. (Phone: (202) 523–7234)).

SUPPLEMENTARY INFORMATION:

Background

OSHA's safety and health standards for shipyard employment are presently comprised of Parts 1915, 1916, and 1917 of Title 29 of the Code of Federal Regulations. These standards were originally issued by the Secretary of Labor pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (33 U.S.C. 941). In May 1971, these regulations were adopted as occupational safety and health standards pursuant to section 6(a) of the Occupational Safety and Health Act (29 U.S.C. 655(a)). (See 36 FR 10466; May 29, 1971).

The organization of OSHA's shipyard standards to date has involved the use of three separate parts, each of which contains requirements applicable to a particular shipyard operation. Part 1915 (incorporated into the OSHA standards by §1910.13) contains standards applicable to ship repairing, Part 1916 (incorporated into the OSHA standards by § 1910.14) addresses shipbuilding, and Part 1917 (incorporated into the OSHA standards by § 1910.15) deals with shipbreaking. Since many of the work practices and requirements are the same for all three shipyard operations, the present organizational structure has resulted in the needless repetition of nearly identical provisions in each of the three parts. For example, Parts 1915, 1916 and 1917 each presently contain standards pertaining to welding and other "hot work," scaffolds and ladders, general working conditions, rigging and materials handling equipment, tools, and personal protective equipment which are almost identical in both the language used and the hazards addressed. (See Subparts D, E, F, G, H and I of Parts 1915, 1916 and 1917, respectively.)

Other standards are duplicated in two but not all three parts. For example, nearly identical provisions exist for ship repairing (Part 1915) and shipbuilding (Part 1916) with regard to surface preparation and preservation, ship's machinery and piping systems, and pressure vessels. (See Subparts C, J and K of Parts 1915 and 1916.) Similarly, nearly identical requirements for work in explosive or dangerous atmospheres exist in Parts 1915 (Ship Repairing) and 1917 (Shipbreaking). (See Subpart B of both parts.)

In order to eliminate the duplication and needless repetition of regulations which presently occurs throughout Parts 1915, 1916 and 1917, OSHA is hereby consolidating these three parts into a single, comprehensive part entitled "Part 1915—Occupational Safety and Health Standards for Shipyard Employment."

Benefits of Consolidation

OSHA believes that this consolidation has many advantages. First, by eliminating repetitive provisions, it will reduce the volume of the shipyard standards by approximately two-thirds. Further, it will place all of the shipyard standards within one comprehensive part. The new, consolidated format will ease research and maintenence burdens associated with the present organization of the standards and will make the standards easier for both the public and OSHA to use. This consolidation will also facilitate future substantive revisions to the shipyard standards.

OSHA wishes to emphasize that this consolidation action involves only editorial and other minor changes to the shipyard standards. It does not alter the substantive requirements of the standards themselves nor does it change their present scope and application. In short, substantive amendments to the shipyard standards are not included here and notice and comment on these changes are therefore not required.

OSHA anticipates that this action will facilitate future substantive revisions of the shipyard standards. Such substantive revisions will be developed through normal rulemaking procedures which will provide adequate public notice and opportunity for comment. In addition, OSHA wishes to emphasize that this consolidation has no effect on the applicability of general industry standards in 29 CFR Part 1910 to hazards or conditions in shipyard employments not specifically addressed in the shipyard standards (see § 1910.5(c)).

Format of Consolidation

The new, consolidated Part 1915 will apply to all three shipyard operations which are presently addressed separately in Parts 1915, 1916 and 1917. Various editorial and other nonsubstantive language changes have been made to the individual standards to consolidate requirements pertaining to ship repairing, shipbuilding and shipbreaking. However, as previously stated, the substantive requirements of the specific standards, as well as their scope and application, have not been changed.

Unless otherwise stated, each standard in the new Part 1915 will apply equally to ship repairing, shipbuilding and shipbreaking operations (see new § 1915.2). Where a certain standard or requirement within a standard applies to only one or two shipyard activities (e.g., ship repairing and shipbuilding, but not shipbreaking) scope and application language has been added to delineate the precise coverage of the standard or requirement involved (see e.g., new §§ 1915.11 and 1915.51(a)).

The internal organization of standards within the new Part 1915 follows the same subpart structure which presently exists in Parts 1915, 1916 and 1917. This subpart structure groups standards according to the type of work activity, hazard or equipment involved. The new Part 1915 thus utilizes an organizational format which is already familiar to present users of the shipyard standards and which provides for logical organization of related provisions.

Other Changes

In addition to the above-described editorial changes, certain other minor, nonsubstantive changes are also included as part of this action. These consist of (1) clarification of statutory authority; (2) changes to reflect the transfer of functions among Federal agencies; and (3) renumbering of the sections.

1. Clarification of Statutory Authority

As previously noted, the present shipyard standards were originally issued by the Secretary pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended, and then later adopted by the Secretary as occupational safety and health standards pursuant to section 6(a) of the Occupational Safety and Health Act (see 29 CFR 1910.13, 1910.14, and 1910.15). The shipyard standards thus derive their legal basis from both the Longshoremen's Act and the OSH Act. However, present language in Parts 1915, 1916 and 1917 cites only to the Longshoremen's Act (see existing §§ 1915.1(a), 1916.1(a) and 1917.1(a)). Accordingly, the purpose and authority section in the new Part 1915 has been revised to cite both the Longshoremen's Act and the OSH Act as statutory authority for the shipyard standards.

2. Changes To Reflect Transfer of Authority Between Federal Agencies

The new Part 1915 contains changes in references to various Federal agencies which reflect the fact that certain referenced functions have been transferred from one Federal agency to another. For example, testing and approval of respiratory protective equipment is no longer performed by the U.S. Bureau of Mines, but instead is now a joint function of the Mine Safety and Health Administration (MSHA) of the Department of Labor and the National Institute for Occupational Safety and Health (NIOSH) (see 30 CFR Part 11). Consequently, references to respirator approval in the new Part 1915 have been changed to reflect this transfer.

(See new §§ 1915.34(c)(3)(ii) and 1915.152(a)(1)). Similarly, responsibility for testing and approving explosion-proof lamps is no longer a function of the Bureau of Mines, but instead is the responsibility of MSHA (see 30 CFR Part 20). References in §§ 1815.13 (b) and (f), 1915.35(b)(7) and 1915.36(a)(4) of the new standards have been changed accordingly. Finally, the Energy Reorganization Act of 1974 (Pub. L. 93–438; 88 Stat. 1233) transferred authority over standards for protection against radiation from the Atomic Energy Commission (now abolished) to the Nuclear Regulatory Commission (see 10 CFR Part 20). New § 1915.57 reflects this transfer.

3. Numbering Changes

The standards in the new Part 1915 have been renumbered to reflect the new, consolidated format and to facilitate future additions and revisions. References within the standards to other sections have been changed to conform to the new section numbers. To help the public locate specific provisions under the new, consolidated format, a table is provided below which lists existing standards by section number and their corresponding section number in the new Part 1915 along with a brief description of any changes made.

DISTRIBUTION AND DERIVATION TABLE—SHIPYARD STANDARDS

Old section Nos.	New section No.	Summary of changes
1915.1, 1916.1, 1917.1	1915.1	Reference to Occupational Safety and Health Act added; references to Longshoremen's and Harbor Workers' Compensation Act shortened. Paragraph (b) renumbered to § 1915.2(b). Paragraphs (c), (d) and (e) of old § 1915.1 and paragraph (c) of old 1916.1 and 1917.1 moved to new § 1915.3.
1915.2, 1916.2, 1917.2	1915.4	Editorial changes and renumbering of referenced sections.
1915.5, 1916.5, 1917.5	1915.5	Renumbering of referenced sections.
1915.7, 1916.7, 1917.7		Deleted as unnecessary.
1915.10, 1916.10, 1917.10	1915.7	Moved to Subpart A. Editorial changes. Renumbering of referenced sections.
1915.11, 1917.11	1915.12	Editorial changes and renumbering of referenced sections.
1915.12, 1917.12	1915.13	References to U.S. Bureau of Mines in paragraphs (b) and (f) changed to refer to Mine Safety and Health Administration. Renumbering of referenced sections.
1915.13, 1917.13	1915.14	Editorial changes.
1915.14, 1917.14	1915.15	Editorial changes.
1915.15	1915.16	Renumbered.
1915.21, 1916.21	1915.32	Renumbering of referenced sections.
1915.22, 1916.22	1915.33	Renumbering of referenced sections.
1915.23, 1916.23	1915.34	Reference to U.S. Bureau of Mines in paragraph (c)(3)(ii) changed to refer to National Institute for Occupational Safety and Health and Mine Safety and Health Administration. Renumbering of referenced sections.
1915.24, 1916.24	1915.35	Reference to U.S. Bureau of Mines in paragraph (b)(7) changed to refer to Mine Safety and Health Administration. Renumbering of referenced sections.
1915.25, 1916.25	1915.36	Reference to U.S. Bureau of Mines in paragraph (a)(4) changed to refer to Mine Safety and Health Administration.
1915.31, 1916.31, 1917.31	1915.51	Scope and application language added. Editorial changes and renumbering of referenced sections.
1915.32, 1916.32, 1917.32	1915.52	Scope and application language added. Editorial changes.
1915.33, 1916.33, 1917.33	1915.53	Scope and application language added. Editorial changes and renumbering of referenced sections.
1915.34, 1916.34, 1917.34	1915.54	Renumbered.
1915.35, 1916.35, 1917.35	1915.55	Renumbered.
1915.36, 1916.36, 1917.36	1915.56	Editorial changes.
1915.37, 1916.37	1915.57	References to Atomic Energy Commission in paragraphs (a) and (b) changed to refer to Nuclear Regulatory Commission. Editorial changes.
1915.41, 1916.41, 1917.41	1915.71	Scope and application language added. Renumbering of section references.
1915.42, 1916.42, 1917.42	1915.72	Renumbered.
1915.43, 1916.43, 1917.43	1915.73	Scope and application language added. Renumbering of section references.
1915.44, 1916.44, 1917.44	1915.74	Renumbered.
1915.45, 1916.45, 1917.45	1915.75	Renumbering of section references.
1915.46, 1916.46, 1917.46	1915.76	Renumbering of section references.
1915.47, 1916.47, 1917.47	1915.77	Scope and application language added. Renumbering of section references.
1915.51, 1916.51, 1917.51	1915.91	Editorial changes.
1915.52, 1916.52, 1917.52	1915.92	Renumbering of section references.
1915.53, 1916.53, 1917.53	1915.93	Renumbered.
1915.54, 1916.54, 1917.54	1915.94	Renumbering of section reference.
1915.55, 1916.55	1915.95	Section title revised to show application of this section to ship repairing and shipbuilding operations only.
1915.56, 1916.56, 1917.56	1915.96	Renumbered.
1915.57, 1916.57, 1917.57	1915.97	Editorial changes.
1915.58, 1916.58, 1917.58	1915.98	Renumbered.
1915.59, 1916.59, 1917.59	1915.6	Moved to Subpart A.
1915.61, 1916.61, 1917.61	1915.111	Renumbering of section reference.
1915.62, 1916.62, 1917.62	1915.112	Renumbering of section references.
1915.63, 1916.63, 1917.63	1915.113	Renumbering of section reference.
1915.64, 1916.64, 1917.64	1915.114	Renumbered.
1915.65, 1916.65, 1917.65	1915.115	Editorial changes.
1915.66, 1916.66, 1917.66	1915.116	Scope and application language added.
1915.67, 1916.67, 1917.67	1915.117	Renumbered.
1915.68, 1916.68, 1917.68	1915.118	Renumbered.
1915.71, 1916.71, 1917.71	1915.131	Renumbered.
1915.72, 1916.72, 1917.72	1915.132	Language added to paragraph (e) to show application of this paragraph to ship repairing operations only.
1915.73, 1916.73, 1917.73	1915.133	Renumbered.
1915.74, 1916.74, 1917.74	1915.134	Renumbered.
1915.75, 1916.75	1915.135	Scope and application language added. Renumbering of section reference.
1915.76, 1916.76, 1917.76	1915.136	Renumbered.
1915.81, 1916.81, 1917.81	1915.151	Renumbering of section references.
1915.82, 1916.82, 1917.82	1915.152	Reference to U.S. Bureau of Mines in paragraph (a)(1) changed to refer to Mine Safety and Health Administration and National Institute for Occupational Safety and Health.
1915.83, 1916.83, 1917.83	1915.153	Renumbered.
1915.84, 1916.84, 1917.84	1915.154	Renumbered.
1915.91, 1916.91	1915.162	Renumbered.
1915.92, 1916.92	1915.163	Renumbered.
1915.93, 1916.93	1915.164	Renumbered.
1915.94, 1916.94	1915.165	Renumbered.
1915.101, 1916.101	1915.172	Renumbered.
1915.102, 1916.102	1915.173	No changes.
1915.111, 1916.111	1915.181	Scope and application language added.

The standards on ship repairing, shipbuilding, and shipbreaking were originally promulgated under the authority of section 41 of the Longshoremen's and Harbor Workers' Compensation Act (LHWCA), as 29 CFR Parts 1501, 1502, and 1503, respectively. The substantive provisions of these Parts were subsequently adopted as established Federal standards in 1971 under section 6(a) of the Occupational Safety and Health Act. As was noted at that time, and as set forth in §§ 1910.13, 1910.14, and 1910.15, the adoption of these standards as OSHA standards did not incorporate those provisions which dealt with application or interpretation of the LHWCA. Several such provisions have continued to be published in Parts 1915 through 1917, but their relevance is limited to LHWCA, and they are not governing under OSHA. The consolidation of the shipyard standards which is being accomplished today does not affect this coverage.

Regulatory Impact Assessment

OSHA finds that this action consists solely of the consolidation of existing standards and other minor changes which do not alter or add to the requirements presently applicable to employers engaged in shipyard activities. As already noted, this action will result in many benefits such as the elimination of duplicative provisions, reduction in the amount of regulatory text, the organization of related standards within one comprehensive part and the increased usability of the standards involved. At the same time, this action will not result in any increased costs or burdens for employers since the present substantive requirements are not being altered.

OSHA therefore finds that this is not a major rule which requires preparation of a regulatory impact analysis pursuant to Executive Order No. 12291. For the same reasons, OSHA further certifies that this action will not have a significant economic impact on a substantial number of small entities and, therefore, there is no need to prepare a regulatory flexibility analysis pursuant to the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164 (5 U.S.C. 601 *et seq.*)). OSHA will, of course, perform these analyses in conjunction with any ensuing project to substantively revise the shipyard standards if circumstances so require.

Exemption From Notice and Comment Procedures

With regard to this action, OSHA has determined that it is not required to follow procedures for public notice and comment rulemaking under either 4 of the Administrative Procedure Act (5 U.S.C. 553) or under section 6(b) of the Occupational Safety and Health Act (29 U.S.C. 655(b)). This action involves a reorganization and consolidation of existing standards and other minor changes which do not affect the substantive requirements or coverage of the standards themselves. This action does not modify or revoke existing rights or obligations nor does it establish new ones. OSHA, therefore, finds that notice and public procedure are impracticable and unnecessary within the meaning of 5 U.S.C. 553(b)(3)(B). For the same reasons, OSHA also finds that in accordance with 29 CFR 1911.5, good cause exists for dispensing with the public notice and comment procedures prescribed in section 6(b) of the Occupational Safety and Health Act.

Authority

This document was prepared under the direction of Thorne G. Auchter, Assistance Secretary for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

List of Subjects in 29 CFR Part 1915

Electric power, Explosives, Flammable materials, Footwear, Hazardous materials, Ladders and scaffolds, Machinery, Marine safety, Occupational safety and health, Protective equipment, Respiratory protection, Ship repair, Shipbreaking, Shipbuilding, Tools, Vessels, Welding.

Accordingly, pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (72 Stat. 835; 33 U.S.C. 941), sections 6 and 8 of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1598; 29 U.S.C. 655, 657), 5 U.S.C. 553, 29 CFR Part 1911 and Secretary of Labor's Order No. 8–76 (41 FR 25059), Parts 1916 and 1917 of Title 29, Code of Federal Regulations, are hereby removed, and Part 1915 is revised to read as set forth below.

Signed at Washington, D.C., this 9th day of April 1982.

Thorne G. Auchter,

Assistant Secretary of Labor.

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

Subpart A—General Provisions

Sec.

Subpart B—Explosive and Other Dangerous Atmospheres

Subpart C—Surface Preparation and Preservation

Subpart D—Welding, Cutting and Heating

Subpart E—Scaffolds, Ladders and Other Working Surfaces

Subpart F—General Working Conditions

Authority: Sec. 41, 44 Stat. 1444; sec. 1, 72 Stat. 835; 33 U.S.C. 941; secs. 6 and 8, 84 Stat. 1593, 1599, 1600; 29 U.S.C. 655, 657.

Subpart A—General Provisions

§ 1915.1 Purpose and authority.

The provisions in this part constitute safety and health regulations issued by the Secretary pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (33 U.S.C. 941) and occupational safety and health standards issued by the Secretary pursuant to section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655).

§ 1915.2 Scope and application.

(a) Except where otherwise provided, the provisions of this part shall apply to all ship repairing, shipbuilding and shipbreaking employments and related employments.

(b) This part does not apply to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and acts supplementary or amendatory thereto (46 U.S.C. secs. 1–1388 passim) including, but not restricted to, the master, ship's officer, crew members, design, construction and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports and waterfront facilities under the provisions of the Espionage Act of June 17, 1917, as amended (50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.); including the provisions of Executive Order 10173, as amended by Executive Orders 10277 and 10352 (3 CFR, 1949–1953 Comp., pp. 356, 778 and 873); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333).

§ 1915.3 Responsibility.

(a) The responsibility for compliance with the regulations of this part is placed upon "employers" as defined in § 1915.4.

(b) This part does not apply to owners, operators, agents or masters of vessels unless such persons are acting as "employers." However, this part is not intended to relieve owners, operators, agents or masters of vessels who are not "employers" from responsibilities or duties now placed upon them by law, regulation or custom.

(c) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

§ 1915.4 Definitions.

(a) The term "shall" indicates provisions which are mandatory.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "employer" means an employer, any of whose employees are employed, in whole or in part, in ship repairing, shipbuilding, shipbreaking or related employments as defined in this section on the navigable waters of the United States, including dry docks, graving docks and marine railways.

(d) The term "employee" means any person engaged in ship repairing, shipbuilding, shipbreaking or related employments on the navigable waters of the United States, including dry docks, graving docks and marine railways, other than the master, ship's officers, crew of the vessel, or any person engaged by the master to repair any vessel under 18 net tons.

(e) The term "gangway" means any ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks and brows.

(f) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

(g) For purposes of § 1915.74, the term "barge" means an unpowered, flat bottom, shallow draft vessel including scows, carfloats and lighters. For purposes of this section, the term does not include ship shaped or deep draft barges.

(h) For purposes of § 1915.74, the term "river tow boat" means a shallow draft, low free board, self-propelled vessel designed to tow river barges by pushing ahead. For purposes of this section, the term does not include other towing vessels.

(i) The term "shipyard employment" means ship repairing, shipbuilding, shipbreaking and related employments.

(j) The terms "ship repair" and "ship repairing" mean any repair of a vessel including, but not restricted to, alterations, conversions, installations, cleaning, painting, and maintenance work.

(k) The term "shipbuilding" means the construction of a vessel including the installation of machinery and equipment.

(l) The term "shipbreaking" means any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of gear, equipment or any component part of a vessel.

(m) The term "related employment" means any employment performed as an incident to or in conjunction with ship repairing, shipbuilding or shipbreaking work, including, but not restricted to, inspection, testing, and employment as a watchman.

(n) The term "hazardous substance" means a substance which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant, or otherwise harmful is likely to cause injury.

(o) The term "competent person" for purposes of this part means a person who is capable of recognizing and evaluating employee exposure to hazardous substances or to other unsafe conditions and is capable of specifying

the necessary protection and precautions to be taken to ensure the safety of employees as required by the particular regulation under the condition to which it applies. For the purposes of Subparts B, C, and D of this part, except for § 1915.35(b)(8) and § 1915.36(a)(5), to which the above definition applies, the competent person must also meet the additional requirements of § 1915.7.

(p) The term "confined space" means a compartment of small size and limited access such as a double bottom tank, cofferdam, or other space which by its small size and confined nature can readily create or aggravate a hazardous exposure.

(q) The term "enclosed space" means any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.

(r) The term "hot work" means riveting, welding, burning or other fire or spark producing operations.

(s) The term "cold work" means any work which does not involve riveting, welding, burning or other fire or spark producing operations.

(t) The term "portable unfired pressure vessel" means any pressure container or vessel used aboard ship, other than the ship's equipment, containing liquids or gases under pressure, excepting pressure vessels built to ICC regulations under 49 CFR Part 178, Subparts C and H.

(u) The term "powder actuated fastening tool" means a tool or machine which drives a stud, pin, or fastener by means of an explosive charge.

(v) For purposes of § 1915.97, the term "hazardous material" means a material which has one or more of the following characteristics: (1) Has a flash point below 140° F., closed cup, or is subject to spontaneous heating; (2) has a threshold limit value below 500 p.p.m. in the case of a gas or vapor, below 500 mg./m.^{3} for fumes, and below 25 m.p.p.c.f. in case of a dust; (3) has a single dose oral LD_{50} below 500 mg./kg.; (4) is subject to polymerization with the release of large amounts of energy; (5) is a strong oxidizing or reducing agent; (6) causes first degree burns to skin in short time exposure, or is systemically toxic by skin contact; or (7) in the course of normal operations, may produce dusts, gases, fumes, vapors, mists, or smokes which have one or more of the above characteristics.

§ 1915.5 Reference specifications, standards and codes.

Specifications, standards, and codes of agencies of the U.S. Government, to the extent specified in the text, form a part of the regulations of this part. In addition, under the authority vested in the Secretary under the Act, the specifications, standards, and codes of organizations which are not agencies of the U.S. Government, in effect on the date of the promulgation of the regulations of this part as listed below, to the extent specified in the text, form a part of the regulations of this part:

National Fire Protection Association, 60 Batterymarch Park, Quincy, Massachusetts 02269. Subpart B, § 1915.14(a).

Underwriter's Laboratories, Inc., 207 East Ohio Street, Chicago, Illinois 60611, Subpart B, § 1915.13(b) and (f); Subpart C, §§ 1915.35(b)(7), 1915.36(a)(4); Subpart H, § 1915.132(a).

American National Standards Institute Safety Code for Portable Wood Ladders, A14.1–1959, American National Standards Institute, 10 East 40th Street, New York, New York 10016, Subpart E, § 1915.72(a)(6).

American National Standards Institute Safety Code for Portable Metal Ladders, A14.2–1956, American National Standards Institute, 10 East 40th Street, New York, New York 10016, Subpart E, § 1915.72(a)(4).

American National Standards Institute Safety Code for Head, Eye, and Respiratory Protection, Z2.1–1959, American National Standards Institute, 10 East 40th Street, New York, New York 10016, Subpart I, §§ 1915.151(a)(1), 1915.153(b).

American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, 1963, American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017, Subpart K, § 1915.172(a).

Threshold Limit Values, 1970, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, Ohio 45202, Subpart B, § 1915.12(a)(3) and (b)(3); Subpart C, § 1915.32(b).

American National Standards Institute Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1–1964, United States of America Standards Institute, Inc., 10 East 40th Street, New York, New York 10016, Subpart H, § 1915.134(c).

§ 1915.6 Commerical diving operations.

Commerical diving operations shall be subject to Subpart T of Part 1910, §§ 1910.401–1910.441 of this chapter.

§ 1915.7 Competent person.

(a) *Designation.* (1) For the purposes of Subparts B, C, D, and H of this part, except for §§ 1915.35(b)(8) and 1915.36(a)(5), one or more competent persons shall be designated by the employer in accordance with the applicable requirements of this section unless the requirements of Subparts B, C, D, and H of this part are always carried out by a National Fire Protection Association Certified Marine Chemist.

(2) The employer shall indicate on U.S. Department of Labor Form OSHA 73 "Designation of Competent Person" either those employees designated as competent persons or that the prescribed functions of such persons are always carried out by a National Fire Protection Association Certified Marine Chemist in addition to his professional duties. When additions or changes are made in the personnel so designated, a new Form OSHA 73 shall be executed. A copy of this executed form shall be forwarded to the nearest Area Office of the Occupational Safety and Health Administration.

(b) *Criteria.* The following criteria shall guide the employer in designating employees as competent persons:

(1) Ability to understand the meaning of designations on certificates and of any qualifications relating thereto and to carry out any instructions, either written or oral, left by the National Fire Protection Association Certified Marine Chemist or person authorized by the U.S. Coast Guard referred to in § 1915.14.

(2) Ability to use and interpret the readings of an oxygen indicator and a combustible gas indicator. The ability to use and interpret the readings of a carbon monoxide indicator and a carbon dioxide indicator, if the operations involved such hazardous gases.

(3) Familiarity with and understanding of Subparts B, C, D, and H of this part.

(4) Familiarity with the structure and knowledge of the location and designation of spaces of the types of vessels on which repair work is done.

(5) Capability to perform the tests and inspections required by Subparts B, C, D, and H of this part and to write the required logs.

(c) *Logging of inspections and tests.* (1) When tests and inspections required to be performed by a competent person by any provisions of Subparts B, C, D, and H of this part, except those referred to in §§ 1915.35(b)(8) and 1915.36(a)(5) are made, a record of the locations, operations performed and date, time, and results of the tests and any instructions resulting therefrom shall be recorded on U.S. Department of Labor Form OSHA 74, "Log of Inspections and Tests by Competent Person." A separate form shall be used for each vessel on which tests and inspections are made.

(2) This record shall be available for inspection in the immediate vicinity of the affected operations while they are in progress. This record or copy thereof shall be kept on file for a period of at least three months from the date of the completion of the job.

(3) A copy of any certificate issued in accordance with § 1915.14 and of any instructions issued by the National Fire Protection Association Certified Marine

Chemist shall be kept on file with the log for a period of at least three months from the date of the completion of the job. The certificate and instructions issued by the person doing the fumigation referred to in § 1915.12(b)(1)(ii) shall also be kept on file for a period of at least 3 months from the date of the completion of the job.

(d) *Application.* The provisions of this section are intended to apply in their entirety to employers engaged in general ship repair, shipbuilding and shipbreaking. They do not apply in their entirety to employers whose work involves only certain portions of Subparts B, C, or D of this part, such as repair work on small craft in boat yards where only combustible gas indicator tests are necessary for fuel tank leaks or when using flammable paints below decks, the building of some wooden vessels where only knowledge of the precautions to be taken when using flammable paints is necessary and the breaking of vessels with no exposure to fuel oil or other flammable hazards. In such cases, employers may designate persons who are competent on the basis of the applicable portions of the criteria set forth in paragraph (b) of this section.

Subpart B—Explosive and Other Dangerous Atmospheres

§ 1915.11 Scope and application of subpart.

Sections 1915.12 through 1915.15 of this subpart shall apply to ship repairing and shipbreaking and shall not apply to shipbuilding. Section 1915.16 shall apply only to ship repairing.

§ 1915.12 Precautions before entering.

(a) *Flammable atmospheres and residues.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in paragraphs (a)(1) (i) and (ii) of this section, the atmosphere within the space to be entered shall be tested by a competent person to determine the concentration of flammable vapors or gases within the space.

(i) Cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk.

(ii) Spaces immediately adjacent to those described in paragraph (a)(1)(i) of this section.

(2) If the tests indicate that the atmosphere in the space to be entered contains a concentration of flammable vapor or gas greater than 10 percent of the lower explosive limit, the space shall be ventilated to reduce the concentration below 10 percent of the lower explosive limit before men are permitted to enter.

(3) If the atmosphere in the space to be entered is found to contain a concentration of flammable vapor or gas below the level immediately dangerous to life as defined in § 1915.152(b)(1), but above the threshold limit value, employees shall be protected in accordance with the requirements of § 1915.152 (a), and (c), (d), or (e), whichever is applicable.

(b) *Toxic atmospheres and residues.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in paragraphs (b)(1)(i), (ii), and (iii) of this section, the atmosphere in the space to be entered shall be tested for toxic atmospheric contaminants, and the space inspected for the presence of toxic or corrosive residues by a Marine Chemist, Industrial Hygienist or other person qualified to make these tests and inspections.

(i) Cargo spaces or other spaces containing or having last contained bulk liquids, gases, or solids of a toxic, corrosive, or irritant nature.

(ii) Spaces which have been fumigated.

(iii) Spaces immediately adjacent to those described in paragraphs (b)(1)(i) and (ii) of this section.

(2) If the tests indicate that the atmosphere in the space to be entered contains a concentration of toxic contaminants above the level which is immediately dangerous to life, the space shall be ventilated to reduce the concentration below the level immediately dangerous to life as defined in § 1915.152(b)(1).

(3) If the atmosphere in the space to be entered is found to contain a concentration of toxic contaminants below the level immediately dangerous to life as defined in § 1915.152(b)(1), but above the threshold limit value, employees shall be protected in accordance with the requirements of § 1915.152 (a), and (c), (d), or (e), whichever is applicable.

(4) The person qualified to make the tests and inspections referred to in paragraph (b)(1) of this section shall make a record of the tests, inspections and instructions pertaining to paragraph (a)(3) of this section and paragraphs (b)(2) and (b)(3) of this section on U.S. Department of Labor Form OSHA 74, which shall be available for inspection and kept on file in accordance with § 1915.7(c)(2).

(c) *Oxygen deficient atmospheres.* (1) Before employees are initially permitted to enter any of the ship's spaces designated in paragraphs (c)(1)(i) through (v) of this section, the atmosphere in the spaces to be entered shall be tested by a competent person with an oxygen indicator or other suitable device to ensure that it contains at least 16.5 percent oxygen.

(i) Spaces in which the test required by paragraphs (a) and (b) of this section indicate that no flammable or toxic contaminants are present in the atmosphere.

(ii) Compartments which have been sealed.

(iii) Spaces which have been coated and closed up.

(iv) Nonventilated compartments which have been freshly painted.

(v) Cargo spaces containing cargoes or residues of cargoes which absorb oxygen, such as scrap iron, fresh fruit and molasses, and various vegetable drying oils in bulk.

(2) If the tests indicate that the atmosphere in the space to be entered contains less than 16.5 percent oxygen, the space shall be ventilated until tests indicate an oxygen content above this level.

(d) *Exceptions.* In emergencies and in cases of work of brief duration necessary to accomplish the ventilation required or to start operations, work may be performed in atmospheres containing concentrations of flammable contaminants above the upper explosive limit or otherwise immediately dangerous to life, provided employees are protected in accordance with the requirements of § 1915.152 (a) and (b).

§ 1915.13 Cleaning and other cold work.

(a) Employees shall be permitted to perform manual cleaning to remove residue materials, scale, and debris or to perform other cold work in spaces described in § 1915.12(a)(1) (i) and (ii) and (b)(1)(i) through (iii) before they have been certified as gas free only under the following conditions:

(1) Liquid residues of flammable and toxic materials shall be removed from the spaces as thoroughly as practicable before employees start actual cleaning operations in these spaces. Drippings and spills of these materials on deck or elsewhere alongside the vessel shall be cleaned up as the work progresses. Special care shall be taken to prevent the spilling or the draining of these materials into the water surrounding the vessel.

(2) Continuous natural or mechanical ventilation shall be provided to keep the concentration of flammable vapors below ten (10) percent of the lower explosive limit in all parts of the space: *Provided,* That if, because of the high volatility of the residues, a uniform concentration of less than ten (10) percent of the lower explosive limit

cannot be achieved, sufficient exhaust ventilation shall be provided to reduce the concentration to or below that level in the major portions of the compartment.

(3) Tests shall be made by a competent person prior to commencement of cold work and with sufficient frequency thereafter, in accordance with temperature, volatility of the residues and other existing conditions in and about the spaces, to ensure that the concentration stated in paragraph (a)(2) of this section is not exceeded.

(4) Cold work only shall be permitted.

(5) Tests shall be made by a competent person to ensure that the exhaust vapors from these spaces are not accumulating in other areas within or around the vessel, marine railway, drydock, graving dock, or under the pier where sources of ignition may be present. Should such accumulations be found, any sources of ignition within the affected area shall be removed or extinguished.

(b) Only approved explosion-proof, self-contained, battery-fed, portable lamps shall be used in spaces described in paragraph (a) of § 1915.14 before the spaces have been certified as "Safe for Men." Battery-fed, portable lamps bearing the approval of the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the Mine Safety and Health Administration, and such lamps listed by the U.S. Coast Guard as approved for such use are deemed to meet the requirements of this paragraph.

(c) Signs shall be posted on the open deck adjacent to the access to spaces described in paragraph (a) of § 1915.14 prohibiting smoking and the use of open flames.

(d) The metallic parts of air moving devices, including fans, blowers, and jet-type air movers, and all duct work shall be electrically bonded to the vessel's structure.

(e) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Portable air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(f) In spaces described in paragraph (a) of § 1915.14 which have been certified "Safe for Men," either battery lamps or explosion-proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the Mine Safety and Health Administration or the U.S. Coast Guard, shall be used: *Provided*, The lights are mounted to the space openings from the exterior, or suspended within the space with the cables so led as to protect them from injury.

(g) In spaces certified "Safe for Fire" nonexplosion proof lights may be used.

§ 1915.14 Certification before hot work is begun.

Paragraphs (a) through (c) of this section apply to ship repairing and shipbreaking. Paragraph (d) of this section applies to shipbreaking only.

(a) Employees shall not be permitted to engage in hot work or the use of powder actuated fastening tools in or on the following spaces, boundaries or pipe lines until a certificate setting forth that the hot work can be done in safety is issued. Such certificate shall be acceptable only if issued by a Marine Chemist certificated by the National Fire Protection Association, except that a certificate issued by another person authorized by the U.S. Coast Guard pursuant to the provisions of 46 CFR 35.01–1(c)(1) for tank vessels, 46 CFR 71.60–1(c)(1) for passenger vessels, and 46 CFR 91.50–1(c)(1) for cargo and miscellaneous vessels is acceptable for a particular inspection:

(1) *On tank vessels.* (i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk, or within spaces adjacent to such cargo tanks.

(ii) Within or on the boundaries of fuel tanks.

(iii) On pipe lines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(2) *On dry cargo, miscellaneous and passenger vessels.* (i) Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and gases in bulk.

(ii) Within spaces adjacent to cargo tanks which have been used to carry flammable gases, or liquids with a flash point below 150° F., except where the distance between such cargo tanks and the work to be performed is not less than twenty-five (25) feet.

(iii) Within or on the boundaries of fuel tanks.

(iv) On pipe lines, heating coils, pumps, fittings, or other appurtenances connected to such cargo or fuel tanks.

(b) In dry cargo holds for which a Marine Chemist's certificate is not required by paragraph (a)(2)(ii) of this section, hot work may be performed only after a competent person has carefully examined the hold and found it to be free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

(c) Before hot work is performed in engine room and boiler room spaces of any vessel for which a Marine Chemist's certificate is not required by the provision of paragraph (a) of this section or in fuel tank and engine compartments of boats, the bilges shall be inspected and tested by a competent person to ensure that they are free of flammable liquids, gases, and vapors. If flammable liquids, gases, or vapors are found, hot work shall not be performed within the space until the flammable liquids, gases, or vapors have been removed and a test indicates that the space is safe for fire.

(d) Before hot work is performed from open decks or in tanks or compartments from which the overhead has been completely removed, on the boundaries of cargo spaces or other spaces containing or having last contained combustible or flammable liquids or gases in bulk, the following steps shall be taken:

(1) Tests shall be made by a competent person to determine the concentration of flammable vapors in these spaces. The permissible level of concentration of flammable vapors shall not exceed ten (10) percent of the lower explosive limit in all parts of the spaces.

(2) When the tests indicate that a space contains a concentration of flammable vapors above the permissible concentration, the space shall be inerted with a nonflammable gas or with water, or sufficient ventilation shall be provided to reduce the concentration below the permissible level.

(3) When the bottom of a space contains flammable residues, it shall be flooded with water to cover all parts of the space to a depth of at least one (1) foot unless the space is inerted.

§ 1915.15 Maintaining gas free conditions.

Paragraph (a) of this section applies to ship repair only. Paragraph (b) of this section applies to shipbreaking only.

(a) *Requirements applicable to ship repairing only.* (1) Pipe lines which may convey hazardous substances into the spaces certified "Safe For Men—Safe For Fire" shall be disconnected or blanked off, or other positive means shall be used to prevent discharge of hazardous substances from entering the space. Manholes and other closures which were secured when tests were made shall remain secured. If such manholes or other closures are opened or any manipulation of valves takes place which tends to alter existing conditions, work in the affected spaces or areas shall be stopped and not

resumed until such times as the areas have been retested and again certified "Safe For Men—Safe For Fire" in accordance with the requirements of § 1915.14(a).

(2) Before hot work is commenced on the weather deck over spaces which, under these regulations, are not required to be gas freed or inerted, all valves, closures and vents, except those which are vented up masts, connecting with nongas free tanks or compartments below, shall be closed. Valves, closures and vents shall not be opened until hot work is completed unless the hot work is stopped and the work location posted as unsafe for fire. The latter notice shall not be removed nor hot work resumed until the area is again made safe.

(3) The employer shall inform masters and chief engineers of vessels of the provisions of this section and shall confirm that they are aware of their responsibilities for seeing that their crews understand and obey all warning signs, tags, and the limitations stated on the marine chemist's certificates.

(4) When conditions in a tank are such that there is a possibility of hazardous vapor being released from residues or other sources after a marine chemist's certificate has been issued, a competent person shall make tests to insure that the gas-free condition is maintained irrespective of whether hot work is being performed in the tank. When the competent person finds that atmospheric conditions have altered, work shall be stopped and a new marine chemist's certificate in accordance with the requirements of § 1915.14(a) shall be obtained before work is resumed.

(5) Before hot work is begun on any metal covered with preservative coatings, the requirements of § 1915.53 shall be met.

(b) *Requirements applicable to shipbreaking only.* (1) During the performance of hot work from open decks or in tanks or compartments from which the overhead has been completely removed, on the boundaries of spaces described in § 1915.14(d), other than those filled with water, the competent person shall make frequent tests to ensure that the inert atmosphere is being maintained or that the concentration of flammable vapors remains below ten (10) percent of the lower explosive limit.

(2) When conditions in spaces below decks described in § 1915.14(a)(1) and (2) are such that there is a possibility of hazardous vapors being released from residues or other sources, after a Marine Chemist's certificate has been issued, a competent person shall make tests to ensure that the gas free condition is maintained irrespective of whether hot work is being performed in or on the aforementioned spaces. When the competent person finds that the atmospheric conditions have altered, work shall be stopped and a new Marine Chemist's certificate in accordance with § 1915.14(a)(1) and (2) shall be obtained, before work is resumed.

§ 1915.16 Warning signs.

The provisions of this section apply to ship repairing only.

(a) Except as provided in paragraph (c) of this section, all tanks, compartments, or spaces which have been certified "Safe For Men—Not Safe For Fire," or "Not Safe For Men—Not Safe For Fire" shall be plainly and conspicuously marked with paint or signs indicating that no hot work shall be performed on such tanks, compartments, or spaces or in the vicinity thereof.

(b) Except as provided in paragraph (c) of this section, all tanks, compartments or spaces which have been inerted with gas or certified "Not Safe For Men—Safe For Fire" shall be plainly and conspicuously marked with paint or signs indicating that the tank, compartment or space contains a gas which will not support life or is hazardous to employees.

(c) The warning marks or signs required by paragraphs (a) and (b) of this section need not be posted on individual tanks, compartments or spaces if the entire vessel has been certified "Safe For Men—Not Safe For Fire," "Not Safe For Men—Not Safe For Fire," or if the entire vessel has been inerted or certified "Not Safe For Men—Safe For Fire," and if a sign to this effect is conspicuously posted at the gangway and at all other means of access to the vessel.

Subpart C—Surface Preparation and Preservation

§ 1915.31 Scope and application of subpart.

The standards contained in this subpart shall apply to ship repairing and shipbuilding and shall not apply to shipbreaking.

§ 1915.32 Toxic cleaning solvents.

(a) When toxic solvents are used, the employer shall employ one or more of the following measures to safeguard the health of employees exposed to these solvents.

(1) The cleaning operation shall be completely enclosed to prevent the escape of vapor into the working space.

(2) Either natural ventilation or mechanical exhaust ventilation shall be used to remove the vapor at the source and to dilute the concentration of vapors in the working space to a concentration which is safe for the entire work period.

(3) Employees shall be protected against toxic vapors by suitable respiratory protective equipment in accordance with the requirements of § 1915.152 (a) and (c), and, where necessary, against exposure of skin and eyes to contact with toxic solvents and their vapors by suitable clothing and equipment.

(b) The principles in the threshold limit values to which attention is directed in § 1915.4 will be used by the Department of Labor in enforcement proceedings in defining a safe concentration of air contaminants.

(c) When flammable solvents are used, precautions shall be taken in accordance with the requirements of § 1915.36.

§ 1915.33 Chemical paint and preservative removers.

(a) Employees shall be protected against skin contact during the handling and application of chemical paint and preservative removers and shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 1915.151 (a) and (b).

(b) When using flammable paint and preservative removers, precautions shall be taken in accordance with the requirements of § 1915.36.

(c) When using chemical paint and preservative removers which contain volatile and toxic solvents, such as benzol, acetone and amyl acetate, the provisions of § 1915.32 shall be applicable.

(d) When using paint and rust removers containing strong acids or alkalies, employees shall be protected by suitable face shields to prevent chemical burns on the face and neck.

(e) When steam guns are used, all employees working within range of the blast shall be protected by suitable face shields. Metal parts of the steam gun itself shall be insulated to protect the operator against heat burns.

§ 1915.34 Mechanical paint removers.

(a) *Power tools.* (1) Employees engaged in the removal of paints, preservatives, rusts or other coatings by means of power tools shall be protected against eye injury by goggles or face shields in accordance with the requirements of § 1915.151(a).

(2) All portable rotating tools used for the removal of paints, preservatives, rusts or other coatings shall be adequately guarded to protect both the operator and nearby workers from flying missiles.

(3) Portable electric tools shall be grounded in accordance with the requirements of § 1915.132.

(4) In a confined space, mechanical exhaust ventilation sufficient to keep the dust concentration to a minimum shall be used, or employees shall be protected by respiratory protective equipment in accordance with the requirements of § 1915.152 (a) and (d).

(b) *Flame removal.* (1) Hardened preservative coatings shall not be removed by flame in enclosed spaces unless the employees exposed to fumes are protected by air line respirators in accordance with the requirements of § 1915.152(a). Employees performing such an operation in the open air, and those exposed to the resulting fumes, shall be protected by a fume filter type respirator in accordance with requirements of paragraphs (a) and (d)(2)(iv) of § 1915.152.

(2) Flame or heat shall not be used to remove soft and greasy preservative coatings.

(c) *Abrasive blasting*—(1) *Equipment.* Hoses and fittings used for abrasive blasting shall meet the following requirements:

(i) *Hoses.* Hose of a type to prevent shocks from static electricity shall be used.

(ii) *Hose couplings.* Hose lengths shall be joined by metal couplings secured to the outside of the hose to avoid erosion and weakening of the couplings.

(iii) *Nozzles.* Nozzles shall be attached to the hose by fittings that will prevent the nozzle from unintentionally becoming disengaged. Nozzle attachments shall be of metal and shall fit onto the hose externally.

(iv) *Dead man control.* A dead man control device shall be provided at the nozzle end of the blasting hose either to provide direct cutoff or to signal the pot tender by means of a visual and audible signal to cut off the flow, in the event the blaster loses control of the hose. The pot tender shall be available at all times to respond immediately to the signal.

(2) *Replacement.* Hoses and all fittings used for abrasive blasting shall be inspected frequently to insure timely replacement before an unsafe amount of wear has occurred.

(3) *Personal protective equipment.* (i) Abrasive blasters working in enclosed spaces shall be protected by hoods and air fed respirators or by air helmets of a positive pressure type in accordance with the requirements of § 1915.152(a).

(ii) Abrasive blasters working in the open shall be protected as indicated in paragraph (c)(3)(i) of this section except that when synthetic abrasives containing less than one percent free silica are used jointly, filter type respirators approved jointly by the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration for exposure to lead dusts may be used in accordance with § 1915.152(a) and (d).

(iii) Employees, other than blasters, including machine tenders and abrasive recovery men, working in areas where unsafe concentrations of abrasive materials and dusts are present shall be protected by eye and respiratory protective equipment in accordance with the requirements of §§ 1915.151(a) and (b) and 1915.152(a) and (d).

(iv) The blaster shall be protected against injury from exposure to the blast by appropriate protective clothing, including gloves.

(v) Since surges from drops in pressure in the hose line can be of sufficient proportions to throw the blaster off the staging, the blaster shall be protected by a safety belt when blasting is being done from elevations where adequate protection against falling cannot be provided by railings.

§ 1915.35 Painting.

(a) *Paints mixed with toxic vehicles or solvents.* (1) When paints mixed with toxic vehicles or solvents are sprayed, the following conditions shall apply:

(i) In confined spaces, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of § 1915.152(a).

(ii) In tanks or compartments, employees continuously exposed to such spraying shall be protected by air line respirators in accordance with the requirements of § 1915.152(a). Where mechanical ventilation is provided, employees shall be protected by respirators in accordance with the requirements of §§ 1915.152(a) and (e).

(iii) In large and well ventilated areas, employees exposed to such spraying shall be protected by respirators in accordance with the requirements of §§ 1915.152(a) and (e).

(2) Where brush application of paints with toxic solvents is done in confined spaces, or other areas where lack of ventilation creates a hazard, employees shall be protected by filter respirators in accordance with the requirements of §§ 1915.152(a) and (c).

(3) When flammable paints or vehicles are used, precautions shall be taken in accordance with the requirements of § 1915.36.

(4) The metallic parts of air moving devices, including fans, blowers, and jet-type air movers, and all duct work shall be electrically bonded to the vessel's structure.

(b) *Paints and tank coatings dissolved in highly volatile, toxic and flammable solvents.* Several organic coatings, adhesives and resins are dissolved in highly toxic, flammable and explosive solvents with flash points below 80° F. Work involving such materials shall be done only when all of the following special precautions have been taken:

(1) Sufficient exhaust ventilation shall be provided to keep the concentration of solvent vapors below ten (10) percent of the lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(2) If the ventilation fails or if the concentration of solvent vapors rises above ten (10) percent of the lower explosive limit, painting shall be stopped and the compartment shall be evacuated until the concentration again falls below ten (10) percent of the lower explosive limit. If the concentration does not fall when painting is stopped, additional ventilation to bring the concentration down to ten (10) percent of the lower explosive limit shall be provided.

(3) Ventilation shall be continued after the completion of painting until the space or compartment is gas free. The final determination as to whether the space or compartment is gas free shall be made after the ventilating equipment has been shut off for at least 10 minutes.

(4) Exhaust ducts shall discharge clear of working areas and away from sources of possible ignition. Periodic tests shall be made to ensure that the exhausted vapors are not accumulating in other areas within or around the vessel or dry dock.

(5) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Portable air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(6) Only non-sparking paint buckets, spray guns and tools shall be used. Metal parts of paint brushes and rollers shall be insulated. Staging shall be erected in a manner which ensures that it is non-sparking.

(7) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the Mine Safety and Health Administration or the U.S. Coast Guard, shall be used.

(8) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty (50) feet of the operation,

that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(9) The face, eyes, head, hands, and all other exposed parts of the bodies of employees handling such highly volatile paints shall be protected. All footwear shall be non-sparking, such as rubbers, rubber boots or rubber soled shoes without nails. Coveralls or other outer clothing shall be of cotton. Rubber, rather than plastic, gloves shall be used because of the danger of static sparks.

(10) No matches, lighted cigarettes, cigars, or pipes, and no cigarette lighters or ferrous articles shall be taken into the area where work is being done.

(11) All solvent drums taken into the compartment shall be placed on nonferrous surfaces and shall be grounded to the vessel. Metallic contact shall be maintained between containers and drums when materials are being transferred from one to another.

(12) Spray guns, paint pots, and metallic parts of connecting tubing shall be electrically bonded, and the bonded assembly shall be grounded to the vessel.

(13) All employees continuously in a compartment in which such painting is being performed, shall be protected by air line respirators in accordance with the requirements of § 1915.152(a) and by suitable protective clothing. Employees entering such compartments for a limited time shall be protected by filter cartridge type respirators in accordance with the requirements of §§ 1915.152(a) and (e).

(14) All employees doing exterior paint spraying with such paints shall be protected by suitable filter cartridge type respirators in accordance with the requirements of §§ 1915.152(a) and (e) and by suitable protective clothing.

§ 1915.36 Flammable liquids.

(a) In all cases when liquid solvents, paint and preservative removers, paints or vehicles, other than those covered by §1915.35(b), are capable of producing a flammable atmosphere under the conditions of use, the following precautions shall be taken:

(1) Smoking, open flames, arcs and spark-producing equipment shall be prohibited in the area.

(2) Ventilation shall be provided in sufficient quantities to keep the concentration of vapors below ten (10) percent of their lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(3) Scrapings and rags soaked with these materials shall be kept in a covered metal container.

(4) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the Mine Safety and Health Administration or the U.S. Coast Guard, shall be used.

(5) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty (50) feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(6) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use.

Subpart D—Welding, Cutting and Heating

§ 1915.51 Ventilation and protection in welding, cutting and heating.

(a) The provisions of this section shall apply to all ship repairing, shipbuilding, and shipbreaking operations; except that paragraph (e) of this section shall apply only to ship repairing and shipbuilding. Paragraph (g) of this section shall apply only to ship repairing.

(b) *Mechanical ventilation requirements.* (1) For purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, blowing dust or dirt from clothing, or for cleaning the work area.

(c) *Welding, cutting and heating in confined spaces.* (1) Except as provided in paragraphs (c)(3) and (d)(2) of this section either general ventilation meeting the requirements of paragraph (b) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(2) The means of access shall be provided to a confined space and ventilation ducts to this space shall be arranged in accordance with §§ 1915.76(b) (1) and (2).

(3) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of § 1915.152(a), and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(d) *Welding, cutting or heating of metals of toxic significance.* (1) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified below shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of paragraph (a) of this section:

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(2) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified below shall be performed with local exhaust ventilation in accordance with the requirements of paragraph (b) of this section or employees shall be protected by air line respirators in accordance with the requirements of § 1915.152(a):

(i) Metals containing lead, other than as an inpurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(3) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with the requirements of paragraphs (a) and (d)(2)(iv) of § 1915.152, except that employees

performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of § 1915.152(a).

(4) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(e) *Inert-gas metal-arc welding.* (1) Since the inert-gas metal-arc welding process involves the production of ultraviolet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least two hundred (200) feet from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in § 1915.56(e) shall be protected by filter lenses meeting the requirements of §§ 1915.151 (a) and (c). When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type meeting the requirements of §§ 1915.151 (a) and (c) shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when either the helmet is lifted or the shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel, the requirements of paragraph (d)(2) of this section shall be met to protect against dangerous concentrations of nitrogen dioxide.

(f) *General welding, cutting, and heating.* (1) Welding, cutting and heating not involving conditions or materials described in paragraphs (c), (d) or (e) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(2) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of §§ 1915.151 (a) and (c).

(g) *Residues and cargoes of metallic ores.* (1) Residues and cargoes of metallic ores of toxic significance shall be removed from the area or protected from the heat before ship repair work which involves welding, cutting or heating is begun.

§ 1915.52 Fire prevention.[1]

(a) Paragraph (a) applies to ship repairing, shipbuilding and shipbreaking, and paragraph (b) applies to ship repairing and shipbuilding only.

(1) When practical, objects to be welded, cut or heated shall be moved to a designated safe location or, if the object to be welded, cut or heated cannot be readily moved, all movable fire hazards including residues of combustible bulk cargoes in the vicinity shall be taken to a safe place.

(2) If the object to be welded, cut or heated cannot be moved and if all the fire hazards including combustible cargoes cannot be removed, positive means shall be taken to confine the heat, sparks, and slag, and to protect the immovable fire hazards from them.

(3) When welding, cutting or heating is performed on tank shells, decks, overheads and bulkheads, since direct penetration of sparks or heat tranfer may introduce a fire hazard to an adjacent compartment, the same precautions shall be taken on the opposite side as are taken on the side on which the welding is being performed.

(4) In order to eliminate the possibility of fire in confined spaces as a result of gas escaping through leaking or improperly closed torch valves, the gas supply to the torch shall be positively shut off at some point outside the confined space whenever the torch is not to be used or whenever the torch is left unattended for a substantial period of time, such as during the lunch hour. Overnight and at the change of shifts, the torch and hose shall be removed from the confined space. Open end fuel gas and oxygen hoses shall be immediately removed from confined spaces when they are disconnected from the torch or other gas consuming device.

(b) The provisions of this paragraph shall apply to ship repairing and shipbuilding only.

(1) No welding, cutting or heating shall be done where the application of flammable paints or the presence of other flammable compounds or of heavy dust concentrate creates a hazard.

(2) Suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use. In addition, when hot work is being performed aboard a vessel and pressure is not available on the vessel's fire system, an auxiliary supply of water shall be made available where practicable, consistent with avoiding freezing of the lines or hose.

(3) When the welding, cutting, or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire while the actual welding, cutting, or heating operation is being performed and for a sufficient period of time after completion of the work to insure that no possibility of fire exists. Such personnel shall be instructed as to the specific anticipated fire hazards and how the fire fighting equipment provided is to be used.

(4) Vaporizing liquid extinguishers shall not be used in enclosed spaces.

(5) Except when the contents are being removed or transferred, drums, pails, and other containers which contain or have contained flammable liquids shall be kept closed. Empty containers shall be removed to a safe area apart from hot work operations, or open flames.

(c) In all cases, suitable fire extinguishing equipment shall be immediately available in the work area and shall be maintained in a state of readiness for instant use. Personnel assigned to contain fires within controllable limits shall be instructed as to the specific anticipated fire hazards and how the fire fighting equipment provided is to be used. The provisions of this paragraph shall apply to shipbreaking only.

§ 1915.53 Welding, cutting and heating in way of preservative coatings.

(a) The provisions in this section shall apply to all ship repairing, shipbuilding and shipbreaking operations except for paragraphs (e) and (f) of this section which shall apply to ship repairing and shipbulding and shall not apply to shipbreaking.

(b) Before welding, cutting or heating is commenced on any surface covered by a preservative coating whose flammability is not known, a test shall be made by a competent person to determine its flammability. Preservative coatings shall be considered to be highly flammable when scrapings burn with extreme rapidity.

[1] 46 CFR 146.02–20 contains Coast Guard regulations pertaining to welding and cutting while explosives and dangerous cargoes are being handled.

(c) Precautions shall be taken to prevent ignition of highly flammable hardened preservative coatings. When coatings are determined to be highly flammable they shall be stripped from the area to be heated to prevent ignition, or, where shipbreaking is involved, the coatings may be burned away under controlled conditions. A 1½ inch or larger fire hose with fog nozzle, which has been uncoiled and placed under pressure, shall be immediately available for instant use in the immediate vicinity, consistent with avoiding freezing of the hose.

(d) *Protection against toxic preservative coatings.* (1) In enclosed spaces, all surfaces covered with toxic preservatives shall be stripped of all toxic coatings for a distance of at least 4 inches from the area of heat application or the employees shall be protected by air line respirators meeting the requirements of § 1915.152(a).

(2) In the open air, employees shall be protected by a filter type respirator in accordance with the requirements of §§ 1915.152 (a) and (d).

(e) Before welding, cutting or heating is commenced in enclosed spaces on metals covered by soft and greasy preservatives, the following precautions shall be taken:

(1) A competent person shall test the atmosphere in the space to ensure that it does not contain explosive vapors, since there is a possibility that some soft and greasy preservatives may have flash points below temperatures which may be expected to occur naturally. If such vapors are determined to be present, no hot work shall be commenced until such precautions have been taken as will ensure that the welding, cutting or heating can be performed in safety.

(2) The preservative coatings shall be removed for a sufficient distance from the area to be heated to ensure that the temperature of the unstripped metal will not be appreciably raised. Artificial cooling of the metal surrounding the heated area may be used to limit the size of the area required to be cleaned. The prohibition contained in § 1915.34(b)(2) shall apply.

(f) Immediately after welding, cutting or heating is commenced in enclosed spaces on metal covered by soft and greasy preservatives, and at frequent intervals thereafter, a competent person shall make tests to ensure that no flammable vapors are being produced by the coatings. If such vapors are determined to be present, the operation shall be stopped immediately and shall not be resumed until such additional precautions have been taken as are necessary to ensure that the operation can be resumed safely.

§ 1915.54 Welding, cutting and heating of hollow metal containers and structures not covered by § 1915.12.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) Drums, containers, or hollow structures which have contained flammable substances shall, before welding, cutting, or heating is undertaken on them, either be filled with water or thoroughly cleaned of such substances and ventilated and tested.

(b) Before heat is applied to a drum, container, or hollow structure, a vent or opening shall be provided for the release of any built-up pressure during the application of heat.

(c) Before welding, cutting, heating or brazing is begun on structural voids such as skegs, bilge keels, fair waters, masts, booms, support stanchions, pipe stanchions or railings, a competent person shall inspect the object and, if necessary, test it for the presence of flammable liquids or vapors. If flammable liquids or vapors are present, the object shall be made safe.

(d) Objects such as those listed in paragraph (c) of this section shall also be inspected to determine whether water or other non-flammable liquids are present which, when heated, would build up excessive pressure. If such liquids are determined to be present, the object shall be vented, cooled, or otherwise made safe during the application of heat.

(e) Jacketed vessels shall be vented before and during welding, cutting or heating operations in order to release any pressure which may build up during the application of heat.

§ 1915.55 Gas welding and cutting.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) *Transporting, moving and storing compressed gas cylinders.* (1) Valve protection caps shall be in place and secure. Oil shall not be used to lubricate protection caps.

(2) When cylinders are hoisted, they shall be secured on a cradle, slingboard or pallet. They shall not be hoisted by means of magnets or choker slings.

(3) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck, or permitted to strike each other violently.

(4) When cylinders are transported by vehicle, they shall be secured in position.

(5) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(6) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(7) A suitable cylinder truck, chain, or other steadying device shall be used to keep cylinders from being knocked over while in use.

(8) When work is finished, when cylinders are empty or when cylinders are moved at any time, the cylinder valves shall be closed.

(9) Acetylene cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

(b) *Placing cylinders.* (1) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(2) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(3) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal, or other sources of artificial heat.

(4) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(c) *Treatment of cylinders.* (1) Cylinders, whether full or empty, shall not be used as rollers or supports.

(2) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. Only cylinders bearing Interstate Commerce Commission identification and inspection markings shall be used.

(3) No damaged or defective cylinder shall be used.

(d) *Use of fuel gas.* The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(1) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator.) The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not

be cracked where the gas would reach welding work, sparks, flame or other possible sources of ignition.

(2) The cylinder valve shall always be opened slowly to prevent damage to the regulator. To permit quick closing, valves on fuel gas cylinders shall not be opened more than 1½ turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(3) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(4) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(5) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the vessel. In the event that fuel gas should leak from the cylinder valve rather than from the valve stem and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the vessel. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the vessel.

(6) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the vessel

(e) *Fuel gas and oxygen manifolds.* (1) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least one (1) inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(2) Fuel gas and oxygen manifolds shall be placed in safe and accessible locations in the open air. They shall not be located within enclosed spaces.

(3) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(4) When not in use, manifold and header hose connections shall be capped.

(5) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel has hoses shall not be interchangeable. A single hose having more than one gas passage, a wall failure of which would permit the flow of one gas into the other gas passage, shall not be used.

(2) When parallel sections of oxygen and fuel gas hose are taped together not more than 4 inches out of 8 inches shall be covered by tape.

(3) All hose carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion or be in any way harmful to employees, shall be inspected at the beginning of each shift. Defective hose shall be removed from service.

(4) Hose which has been subjected to flashback or which shows evidence of severe wear or damage shall be tested to twice the normal pressure to which it is subject, but in no case less than two hundered (200) psi. Defective hose or hose in doubtful condition shall not be used.

(5) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(6) Boxes used for the stowage of gas hose shall be ventilated.

(g) *Torches.* (1) Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills or other devices designed for such purpose.

(2) Torches shall be inspected at the beginning of each shift for leaking shutoff valves, hose couplings, and tip connections. Defective torches shall not be used.

(3) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

(h) *Pressure regulators.* Oxygen and fuel gas pressure regulators including their related gauges shall be in proper working order while in use.

§ 1915.56 Arc welding and cutting.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) *Manual electrode holders.* (1) Only manual electrode holders which are specifically designed for arc welding and cutting and are of a capacity capable of safely handling the maximum rated current required by the electrodes shall be used.

(2) Any current carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

(b) *Welding cables and connectors.* (1) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(2) Only cable free from repair or splices for a minimum distance of ten (10) feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(3) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(4) Cables in poor repair shall not be used. When a cable other than the cable lead referred to in paragraph (b)(2) of this section becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tapes or other equivalent insulation.

(c) *Ground returns and machine grounding.* (1) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(2) Structures or pipe lines, except pipe lines containing gases of flammable liquids or conduits containing electrical circuits, may be used as part of the ground return circuit, provided that the pipe or structure has a current carrying capacity equal to that required by paragraph (c)(1) of this section.

(3) When a structure or pipe line is employed as a ground return circuit, it shall be determined that the required electrical contact exists at all joints. The generation of an arc, sparks or heat at any point shall cause rejection of the structure as a ground circuit.

(4) When a structure or pipe line is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(5) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the vessel's structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(6) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(d) *Operating instructions.* Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(1) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(2) Hot electrode holders shall not be dipped in water, since to do so may expose the arc welder or cutter to electric shock.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Any faulty or defective equipment shall be reported to the supervisor.

(e) *Shielding.* Whenever practicable, all arc welding and cutting operations shall be shielded by noncombustible or flame-proof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

§ 1915.57 Uses of fissionable material.

The provisions of this section apply to ship repairing and shipbuilding only.

(a) In activities involving the use of and exposure to sources of ionizing radiation not only on conventionally powered but also on nuclear powered vessels, the applicable provisions of the Nuclear Regulatory Commission's Standards for Protection Against Radiation (10 CFR Part 20), relating to protection against occupational radiation exposure, shall apply.

(b) Any activity which involves the use of radiocative material, whether or not under license from the Nuclear Regulatory Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under Commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

Subpart E—Scaffolds, Ladders and Other Working Surfaces

§ 1915.71 Scaffolds or staging.

(a) *Scope and application.* The provisions of this section shall apply to all ship repairing, shipbuilding and shipbreaking operations except that paragraphs (b)(8) through (b)(10) and paragraphs (c) through (f) of this section shall only apply to ship repairing and shipbuilding operations and shall not apply to shipbreaking.

(b) *General requirements.* (1) All scaffolds and their supports whether of lumber, steel or other material, shall be capable of supporting the load they are designed to carry with a safety factor of not less than four (4).

(2) All lumber used in the construction of scaffolds shall be spruce, fir, long leaf yellow pine, Oregon pine or wood of equal strength. The use of hemlock, short leaf yellow pine, or short fiber lumber is prohibited.

(3) Lumber dimensions as given in this subpart are nominal except where given in fractions of an inch.

(4) All lumber used in the construction of scaffolds shall be sound, straight-grained, free from cross grain, shakes and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength or durability.

(5) Scaffolds shall be maintained in a safe and secure condition. Any component of the scaffold which is broken, burned or otherwise defective shall be replaced.

(6) Barrels, boxes, cans, loose bricks, or other unstable objects shall not be used as working platforms or for the support of planking intended as scaffolds or working platforms.

(7) No scaffold shall be erected, moved, dismantled or altered except under the supervision of competent persons.

(8) No welding, burning, riveting or open flame work shall be performed on any staging suspended by means of fiber rope.

(9) Lifting bridles on working platforms suspended from cranes shall consist of four legs so attached that the stability of the platform is assured.

(10) Unless the crane hook has a safety latch or is moused, the lifting bridles on working platforms suspended from cranes shall be attached by shackles to the lower lifting block or other positive means shall be taken to prevent them from becoming accidentally disengaged from the crane hook.

(c) *Independent pole wood scaffolds.* (1) All pole uprights shall be set plump. Poles shall rest on a foundation of sufficient size and strength to distribute the loan and to prevent displacement.

(2) In light-duty scaffolds, not more than 24 feet in height, poles may be spliced by overlapping the ends not less than 4 feet and securely nailing them together. A substantial cleat shall be nailed to the lower section to form a support for the upper section except when bolted connections are used.

(3) All other poles to be spliced shall be squared at the ends of each splice, abutted, and rigidly fastened together by not less than two cleats securely nailed or bolted thereto. Each cleat shall overlap each pole end by at least 24 inches and shall have a width equal to the face of the pole to which it is attached. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the pole.

(4) Ledgers shall extend over two consecutive pole spaces and shall overlap the poles at each end by not less than 4 inches. They shall be left in position to brace the poles as the platform is raised with the progress of the work. Ledgers shall be level and shall be securely nailed or bolted to each pole and shall be placed against the inside face of each pole.

(5) All bearers shall be set with their greater dimension vertical and shall extend beyond the ledgers upon which they rest.

(6) Diagonal bracing shall be provided between the parallel poles, and cross bracing shall be provided between the inner and outer poles or from the outer poles to the ground.

(7) Minimum dimensions and spacing of members shall be in accordance with Table E–1 in § 1915.118.

(8) Platform planking shall be in accordance with the requirements of paragraph (i) of this section.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (j) of this section.

(d) *Independent pole metal scaffolds.* (1) Metal scaffold members shall be maintained in good repair and free of corrosion.

(2) All vertical and horizontal members shall be fastened together with a coupler or locking device which will form a positive connection. The locking device shall be of a type which has no loose parts.

(3) Posts shall be kept plumb during erection and the scaffold shall be subsequently kept plumb and rigid by means of adequate bracing.

(4) Posts shall be fitted with bases supported on a firm foundation to distribute the load. When wooden sills are used, the bases shall be fastened thereto.

(5) Bearers shall be located at each set of posts, at each level, and at each intermediate level where working platforms are installed.

(6) Tubular bracing shall be applied both lengthwise and crosswise as required.

(7) Platform planking shall be in accordance with the requirements of paragraph (h) of this section.

(8) Backrails and toeboards shall be in accordance with the requirements of paragraph (j) of this section.

(e) *Wood trestle and extension trestle ladders.* (1) The use of trestle ladders, or extension sections or base sections of extension trestle ladders longer than 20 feet is prohibited. The total height of base and extension may, however, be more than 20 feet.

(2) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows:

(i) Ladders up to and including those 16 feet long shall have side rails of not less than 1⅝ x 2¾ inch lumber.

(ii) Ladders over 16 feet long and up to and including those 20 feet long shall have side tails of not less than 1⅝ x 3 inch lumber.

(3) The side rails of the extension section of the extension trestle ladder shall be parallel and shall have minimum dimensions as follows:

(i) Ladders up to and including 12 feet long shall have side rails of not less than 1⅝ x 2¼ inch lumber.

(ii) Ladders over 12 feet long and up to and including those 16 feet long shall have side rails of not less than 1⅝ x 2½ inch lumber.

(iii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than 1⅝ x 2¾ inch lumber.

(4) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be not less than 5½ inches per foot of the length of the ladder.

(5) The width between the side rails at the bottom of the trestle ladder or of the base section of the extension trestle ladder shall be not less than 21 inches for all ladders and sections 6 feet or less in length. For longer lengths of ladder, the width shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension section of the trestle ladder shall be not less than 12 inches.

(6) In order to limit spreading, the top ends of the side rails of both the trestle ladder and of the base section of the extension trestle ladder shall be beveled, or of equivalent construction, and shall be provided with a metal hinge.

(7) A metal spreader or locking device to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of each trestle ladder or extension ladder.

(8) Rungs shall be parallel and level. On the trestle ladder, or on the base section of the extension trestle ladder, rungs shall be spaced not less than 8 inches nor more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches nor more than 12 inches apart.

(9) Platform planking shall be in accordance with the requirements of paragraph (i) of this section, except that the width of the platform planking shall not exceed the distance between the siderails.

(10) Backrails and toeboards shall be in accordance with the requirements of paragraph (j) of this section.

(f) *Painters' suspended scaffolds.* (1) The supporting hooks of swinging scaffolds shall be constructed to be equivalent in strength to mild steel or wrought iron, shall be forged with care, shall be not less than ⅞ inch in diameter, and shall be secured to a safe anchorage at all times.

(2) The ropes supporting a swinging scaffold shall be equivalent in strength to first-grade ¾ inch diameter manila rope properly rigged into a set of standard 6 inch blocks consisting of at least one double and one single block.

(3) Manila and wire ropes shall be carefully examined before each operation and thereafter as frequently as may be necessary to ensure their safe condition.

(4) Each end of the scaffold platform shall be supported by a wrought iron or mild steel stirrup or hanger, which in turn is supported by the suspension ropes.

(5) Stirrups shall be constructed so as to be equivalent in strength to wrought iron ¾ inch in diameter.

(6) The stirrups shall be formed with a horizontal bottom member to support the platform, shall be provided with means to support the guardrail and midrail and shall have a loop or eye at the top for securing the supporting hook on the block.

(7) Two or more swinging scaffolds shall not at any time be combined into one by bridging the distance between them with planks or any other form of platform.

(8) No more than two men shall be permitted to work at one time on a swinging scaffold built to the minimum specifications contained in this paragraph. Where heavier construction is used, the number of men permitted to work on the scaffold shall be determined by the size and the safe working load of the scaffold.

(9) Backrails and toeboards shall be in accordance with the requirements of paragraph (j) of this section.

(10) The swinging scaffold platform shall be one of the three types described in paragraphs (f)(11), (12), and (13) of this section.

(11) The ladder-type platform consists of boards upon a horizontal ladder-like structure, referred to herein as the ladder, the side rails of which are parallel. If this type of platform is used the following requirements shall be met.

(i) The width between the side rails shall be no more than 20 inches.

(ii) The side rails of ladders in ladder-type platforms shall be equivalent in strength to a beam of clear straight-grained spruce of the dimensions contained in Table E–2 in § 1915.118.

(iii) The side rails shall be tied together with tie rods. The tie rods shall be not less than ⅝ inch in diameter, located no more than 5 feet apart, pass through the rails, and be riveted up tight against washers at both ends.

(iv) The rungs shall be of straight-grained oak, ash, or hickory, not less than 1⅛ inches diameter, with ⅞ inch tenons mortised into the side rails not less than ⅞ inch and shall be spaced no more than 18 inches on centers.

(v) Flooring strips shall be spaced no more than ⅝ inch apart except at the side rails, where 1 inch spacing is permissible.

(vi) Flooring strips shall be cleated on their undersides.

(12) The plank-type platform consists of planks supported on the stirrups or hangers. If this type of platform is used, the following requirements shall be met:

(i) The planks of plank-type platforms shall be of not less than 2 x 10 inch lumber.

(ii) The platform shall be no more than 24 inches in width.

(iii) The planks shall be tied together by cleats of not less than 1 x 6 inch lumber, nailed on their undersides at intervals of not more than 4 feet.

(iv) The planks shall extend not less than 6 inches nor more than 18 inches beyond the supporting stirrups.

(v) A cleat shall be nailed across the platform on the underside at each end outside the stirrup to prevent the platform from slipping off the stirrup.

(vi) Stirrup supports shall be not more than 10 feet apart.

(13) The beam-type platform consists of longitudinal side stringers with cross beams set on edge and spaced not more than 4 feet apart on which longitudinal platform planks are laid. If this type platform is used, the following requirements shall be met:

(i) The side stringers shall be of sound, straight-grained lumber, free from knots, and of not less than 2 x 6 inch lumber, set on edge.

(ii) The stringers shall be supported on the stirrups with a clear span between stirrups of not more than 16 feet.

(iii) The stringers shall be bolted to the stirrups by U-bolts passing around the stirrups and bolted through the stringers with nuts drawn up tight on the inside face.

(iv) The ends of the stringers shall extend beyond the stirrups not less than 6 inches nor more than 12 inches at each end of the platform.

(v) The platform shall be supported on cross beams of 2 x 6 inch lumber between the side stringers securely nailed thereto and spaced not more than 4 feet on centers.

(vi) The platform shall be not more than 24 inches wide.

(vii) The platform shall be formed of boards ⅞ inch in thickness by not less than 6 inches in width, nailed tightly together, and extending to the outside face of the stringers.

(viii) The ends of all platform boards shall rest on the top of the cross beams, shall be securely nailed, and at no intermediate points in the length of the platform shall there be any cantilever ends.

(g) *Horse scaffolds.* (1) The minimum dimensions of lumber used in the construction of horses shall be in accordance with Table E–3 in § 1915.118.

(2) Horses constructed of materials other than lumber shall provide the strength, rigidity and security required of horses constructed of lumber.

(3) The lateral spread of the legs shall be equal to not less than one-third of the height of the horse.

(4) All horses shall be kept in good repair, and shall be properly secured when used in staging or in locations where they may be insecure.

(5) Platform planking shall be in accordance with the requirements of paragraph (i) of this section.

(6) Backrails and toeboards shall be in accordance with paragraph (j) of this section.

(h) *Other types of scaffolds.* (1) Scaffolds of a type for which specifications are not contained in this section shall meet the general requirements of paragraphs (b), (i), and (j) of this section, shall be in accordance with recognized principles of design and shall be constructed in accordance with accepted standards covering such equipment.

(i) *Scaffold or platform planking.* (1) Except as otherwise provided in paragraphs (f)(11) and (13) of this section, platform planking shall be of not less than 2 x 10 inch lumber. Platform planking shall be straight-grained and free from large or loose knots and may be either rough or dressed.

(2) Platforms of staging shall be not less than two 10 inch planks in width except in such cases as the structure of the vessel or the width of the trestle ladders make it impossible to provide such a width.

(3) Platform planking shall project beyond the supporting members at either end by at least 6 inches but in no case shall project more than 12 inches unless the planks are fastened to the supporting members.

(4) Table E–4 in § 1915.118 shall be used as a guide in determining safe loads for scaffold planks.

(j) *Backrails and toeboards.* (1) Scaffolding, staging, runways, or working platforms which are supported or suspended more than 5 feet above a solid surface, or at any distance above the water, shall be provided with a railing which has a top rail whose upper surface is from 42 to 45 inches above the upper surface of the staging, platform, or runway and a midrail located halfway between the upper rail and the staging, platform, or runway.

(2) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured. Where exposed to hot work or chemicals, fiber rope rails shall not be used.

(3) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted, employees working more than 5 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of § 1915.154(b), and employees working over water shall be protected by buoyant work vests meeting the requirements of § 1915.154(a).

(4) Employees working from swinging scaffolds which are triced out of a vertical line below their supports or from scaffolds on paint floats subject to surging, shall be protected against falling toward the vessel by a railing or a safety belt and line attached to the backrail.

(5) When necessary, to prevent tools and materials from falling on men below, toeboards of not less than 1 x 4 inch lumber shall be provided.

(k) *Access to staging.* (1) Access from below to staging more than 5 feet above a floor, deck or the ground shall consist of well secured stairways, cleated ramps, fixed or portable ladders meeting the applicable requirements of § 1915.72 or rigid type non-collapsible trestles with parallel and level rungs.

(2) Ramps and stairways shall be provided with 36-inch handrails with midrails.

(3) Ladders shall be so located or other means shall be taken so that it is not necessary for employees to step more than one foot from the ladder to any intermediate landing or platform.

(4) Ladders forming integral parts of prefabricated staging are deemed to meet the requirements of these regulations.

(5) Access from above to staging more than 3 feet below the point of access shall consist of a straight, portable ladder meeting the applicable requirements of § 1915.72 or a Jacob's ladder properly secured, meeting the requirements of § 1915.74(d).

§ 1915.72 Ladders.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) *General requirements.* (1) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end, hollow rungs.

(2) When sections of ladders are spliced, the ends shall be abutted, and not fewer than 2 cleats shall be securely nailed or bolted to each rail. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the side rail. The dimensions of side rails for their total length shall be those specified in paragraphs (b) or (c) of this section.

(3) Portable ladders shall be lashed, blocked or otherwise secured to prevent their being displaced. The side rails of ladders used for access to any level shall extend not less than 36 inches above that level. When this is not practical, grab rails which will provide a secure grip for an employee moving to or from the point of access shall be installed.

(4) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute Safety Code for Portable Metal Ladders, A14.2—1972.

(5) Portable metal ladders shall not be used near electrical conductors nor for electric arc welding operations.

(6) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute Safety Code for Portable Wood Ladders, A14—1975.

(b) *Construction of portable wood cleated ladders up to 30 feet in length.* (1) Wood side rails shall be made from West Coast hemlock, Eastern spruce, Sitka spruce, or wood of equivalent strength. Material shall be seasoned, straight-grained wood, and free from shakes, checks, decay or other defects which will impair its strength. The use of low density woods is prohibited.

(2) Side rails shall be dressed on all sides and kept free of splinters.

(3) All knots shall be sound and hard. The use of material containing loose knots is prohibited. Knots shall not appear on the narrow face of the rail and, when in the side face, shall be not more than ½ inch in diameter or within ½ inch of the edge of the rail or nearer than 3 inches to a tread or rung.

(4) Pitch pockets not exceeding ⅛ inch in width, 2 inches in length and ½ inch in depth are permissible in wood side rails, provided that not more than one such pocket appears in each 4 feet of length.

(5) The width between side rails at the base shall be not less than 11½ inches for ladders 10 feet or less in length. For longer ladders this width shall be increased at least ¼ inch for each additional 2 feet in length.

(6) Side rails shall be at least 1⅝ x 3⅝ inches in cross section.

(7) Cleats (meaning rungs rectangular in cross section with the wide dimension parallel to the rails) shall be of the material used for side rails, straight-grained and free from knots. Cleats shall be mortised into the edges of the side rails ½ inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or fastened with through bolts or other fasteners of equivalent strength. Cleats shall be uniformly spaced not more than 12 inches apart.

(8) Cleats 20 inches or less in length shall be at least 25/32 x 3 inches in cross section. Cleats over 20 inches but not more than 30 inches in length shall be at least 25/32 x 3¾ inches in cross section.

(c) *Construction of portable wood cleated ladders from 30 to 60 feet in length.* (1) Ladders from 30 to 60 feet in length shall be in accordance with the specifications of paragraph (b) of this section with the following exceptions:

(i) Rails shall be of not less than 2 x 6 inch lumber.

(ii) Cleats shall be of not less than 1 x 4 inch lumber.

(iii) Cleats shall be nailed to each rail with five 10d common wire nails or fastened with through bolts or other fastenings of equivalent strength.

§ 1915.73 Guarding of deck openings and edges.

(a) The provisions of this section shall apply to ship repairing and shipbuilding operations and shall not apply to shipbreaking.

(b) When employees are working in the vicinity of flush manholes and other small openings of comparable size in the deck and other working surfaces, such openings shall be suitably covered or guarded to a height of not less than 30 inches, except where the use of such guards is made impracticable by the work actually in progress.

(c) When employees are working around open hatches not protected by coamings to a height of 24 inches or around other large openings, the edge of the opening shall be guarded in the working area to height of 36 to 42 inches, except where the use of such guards is made impracticable by the work actually in progress.

(d) When employees are exposed to unguarded edges of decks, platforms, flats, and similar flat surfaces, more than 5 feet above a solid surface, the edges shall be guarded by adequate guardrails meeting the requirements of § 1915.71(j) (1) and (2), unless the nature of the work in progress or the physical conditions prohibit the use or installation of such guardrails.

(e) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by personal flotation devices, meeting the requirements of § 1915.154(a).

(f) Sections of bilges from which floor plates or gratings have been removed shall be guarded by guardrails except where they would interfere with work in progress. If these open sections are in a walkway at least two 10-inch planks placed side by side, or equivalent, shall be laid across the opening to provide a safe walking surface.

(g) Gratings, walkways, and catwalks, from which sections or ladders have been removed, shall be barricaded with adequate guardrails.

§ 1915.74 Access to vessels.

(a) *Access to vessels afloat.* The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(1) Whenever practicable, a gangway of not less than 20 inches walking surface of adequate strength, maintained in safe repair and safely secured shall be used. If a gangway is not practicable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a gangway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of paragraphs (d) (1) and (2) of this section may be used.

(2) Each side of such gangway, and the turn table if used, shall have a railing with a minimum height of approximately 33 inches measured perpendicularly from rail to walking surface at the stanchion, with a mid rail. Rails shall be of wood, pipe, chain, wire or rope and shall be kept taut at all times.

(3) Gangways on vessels inspected and certificated by the U.S. Coast Guard are deemed to meet the foregoing requirements, except in cases where the vessel's regular gangway is not being used.

(4) The gangway shall be kept properly trimmed at all times.

(5) When a fixed tread accommodations ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(6) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that

there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway.

(7) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings, with a minimum height of approximately 33 inches with midrails on both sides.

(8) Supporting bridles shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(9) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately 33 inches in height shall be provided between the top of the bulwark and the deck.

(10) Obstructions shall not be laid on or across the gangway.

(11) The means of access shall be adequately illuminated for its full length.

(12) Unless the construction of the vessel makes it impossible, the means of access shall be so located that drafts of cargo do not pass over it. In any event, loads shall not be passed over the means of access while employees are on it.

(b) *Access to vessels in drydock or between vessels.* Gangways meeting the requirements of paragraphs (a) (1), (2), (9), (10), (11) of this section shall be provided for access from wingwall to vessel or, when two or more vessels, other than barges or river towboats, are lying abreast, from one vessel to another.

(c) *Access to barges and river towboats.* (1) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained and properly secured.

(2) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp in accordance with the requirements of paragraph (a)(7) of this section shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping, shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder in accordance with the requirements of paragraph (d) of this section may be used.

(3) The means of access shall be in accordance with the requirements of paragraphs (a) (9), (10), and (11) of this section.

(d) *Jacob's ladders.* (1) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(2) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

§ 1915.75 Access to and guarding of dry docks and marine railways.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) A gangway, ramp or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(b) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wing walls from dry dock floors, shall have a railing with a mid rail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 or more than approximately 34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope, and shall be kept taut at all times.

(c) Railings meeting the requirements of paragraph (b) of this section shall be provided on the means of access to and from the floors of graving docks.

(d) Railings approximately 42 inches in height, with a mid rail, shall be provided on the edges of wing walls of floating dry docks and on edges of graving docks. Sections of the railings may be temporarily removed where necessary to permit line handling while a vessel is entering or leaving the dock.

(e) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42 inch railings with a mid rail. When such a railing would be impracticable or ineffective, other effective means shall be provided to prevent men from falling into the water.

(f) Access to wing walls from floors of dry docks shall be by ramps, permanent stairways or ladders meeting the applicable requirements of § 1915.72.

(g) Catwalks on stiles of marine railways shall be no less than 20 inches wide and shall have on at least one side a guardrail and midrail meeting the requirements of § 1915.71(j) (1) and (2).

§ 1915.76 Access to cargo spaces and confined spaces.

The provisions of this section apply to ship repairing, shipbuilding and shipbreaking except that paragraph (a)(4) of this section applies to ship repairing only.

(a) *Cargo spaces.* (1) There shall be at least one safe and accessible ladder in any cargo space which employees must enter.

(2) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(3) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed ladders in cargo spaces do not meet the requirements of paragraph (a)(1) of this section. When conditions are such that a straight ladder cannot be used, a Jacob's ladder meeting the requirements of § 1915.74(d) may be used.

(4) When cargo is stowed within 4 inches of the back of ladder rungs, the ladder shall be deemed "unsafe" for the purpose of this section.

(5) Fixed ladders or straight ladders provided for access to cargo spaces shall not be used at the same time that cargo drafts, equipment, materials, scrap or other loads are entering or leaving the hold. Before using these ladders to enter or leave the hold, the employee shall be required to inform the winchman or crane signalman of his intention.

(b) *Confined spaces.* (1) More than one means of access shall be provided to a confined space in which employees are working and in which the work may generate a hazardous atmosphere in the space except where the structure or arrangement of the vessel makes this provision impractical.

(2) When the ventilation ducts required by these regulations must pass through these means of access, the ducts shall be of such a type and so arranged as to permit free passage of an employee through at least two of these means of access.

§ 1915.77 Working surfaces.

(a) Paragraphs (b) through (d) of this section shall apply to ship repairing, shipbuilding operations and shall not apply to shipbreaking. Paragraph (e) of this section shall apply to shipbuilding, ship repairing and shipbreaking operations.

(b) When firebox floors present tripping hazards of exposed tubing or of missing or removed refractory, sufficient planking to afford safe footing shall be laid while work is being carried on within the boiler.

(c) When employees are working aloft, or elsewhere at elevations more than 5 feet above a solid surface, either scaffolds or a sloping ladder, meeting the requirements of this subpart, shall be used to afford safe footing, or the employees shall be protected by safety belts and lifelines meeting the requirements of § 1915.154(b). Employees visually restricted by blasting hoods, welding helmets, and burning goggles shall work from scaffolds, not from ladders, except for the initial and final welding or burning operation to start or complete a job, such as the erection and dismantling of hung scaffolding, or other similar, nonrepetitive jobs of brief duration.

(d) For work performed in restricted quarters, such as behind boilers and in between congested machinery units and piping, work platforms at least 20 inches wide meeting the requirements of § 1915.71(i)(1) shall be used. Backrails may be omitted if bulkheading, boilers, machinery units, or piping afford proper protection against falling.

(e) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1915.154.

Subpart F—General Working Conditions

§ 1915.91 Housekeeping.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking except that paragraphs (c) and (e) of this section do not apply to shipbreaking.

(a) Good housekeeping conditions shall be maintained at all times. Adequate aisles and passageways shall be maintained in all work areas. All staging platforms, ramps, stairways, walkways, aisles, and passageways on vessels or dry docks shall be kept clear of all tools, materials, and equipment except that which is in use, and all debris such as welding rod tips, bolts, nuts, and similar material. Hose and electric conductors shall be elevated over or placed under the walkway or working surfaces or covered by adequate crossover planks.

(b) All working areas on or immediately surrounding vessels and dry docks, graving docks, or marine railways shall be kept reasonably free of debris, and construction material shall be so piled as not to present a hazard to employees.

(c) Slippery conditions on walkways or working surfaces shall be eliminated as they occur.

(d) Free access shall be maintained at all times to all exits and to all fire-alarm boxes or fire-extinguishing equipment.

(e) All oils, paints thinners, solvents, waste, rags, or other flammable substances shall be kept in fire resistant covered containers when not in use.

§ 1915.92 Illumination.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

(b) Temporary lights shall meet the following requirements:

(1) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(2) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices which have insulation equal to that of the cable are permitted.

(3) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(c) Exposed non-current-carrying metal parts of temporary lights furnished by the employer shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current. Grounding shall be in accordance with the requirements of § 1915.132(b).

(d) Where temporary lighting from sources outside the vessel is the only means of illumination, portable emergency lighting equipment shall be available to provide illumination for safe movement of employees.

(e) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited. In nongas free spaces, portable lights shall meet the requirements of § 1915.13.

(f) Temporary lighting stringers or streamers shall be so arranged as to avoid overloading of branch circuits. Each branch circuit shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

§ 1915.93 Utilities.

The provisions of this section shall apply to ship repairing, shipbuilding, and shipbreaking except that paragraph (c) of this section applies to ship repairing and shipbuilding only.

(a) *Steam supply and hoses.* (1) Prior to supplying a vessel with steam from a source outside the vessel, the employer shall ascertain from responsible vessel's representatives, having knowledge of the condition of the plant, the safe working pressure of the vessel's steam system. The employer shall install a pressure gauge and a relief valve of proper size and capacity at the point where the temporary steam hose joins the vessel's steam piping system or systems. The relief valve shall be set and capable of relieving at a pressure not exceeding the safe working pressure of the vessel's system in its present condition, and there shall be no means of isolating the relief valve from the system which it protects. The pressure gauge and relief valve shall be located so as to be visible and readily accessible.

(2) Steam hose and fittings shall have a safety factor of not less than five (5).

(3) When steam hose is hung in a bight or bights, the weight shall be relieved by appropriate lines. The hose shall be protected against chafing.

(4) Steam hose shall be protected from damage and hose and temporary piping shall be so shielded where passing through normal work areas as to prevent accidental contact by employees.

(b) *Electric power.* (1) When the vessel is supplied with electric power from a source outside the vessel, the following precautions shall be taken prior to energizing the vessel's circuits:

(i) If in dry dock, the vessel shall be adequately grounded.

(ii) The employer shall ascertain from responsible vessel's representatives, having knowledge of the condition of the vessel's electrical system, that all circuits to be energized are in a safe condition.

(iii) All circuits to be energized shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

(c) *Infrared electrical heat lamps.* (1) All infrared electrical heat lamps shall be equipped with guards that surround the lamps with the exception of the face, to minimize accidental contact with the lamps.

§ 1915.94 Work in confined or isolated spaces.

The provisions of this section shall apply to ship repairing, shipbuilding and

shipbreaking. When any work is performed in a confined space, except as provided in § 1915–.51(c)(3), or when an employee is working alone in an isolated location, frequent checks shall be made to ensure the safety of the employees.

§ 1915.95 Work on or in the vicinity of radar and radio.

The provisions of this section shall apply to ship repairing and shipbuilding.

(a) No employees other than radar or radio repairmen shall be permitted to work on masts, king posts or other aloft areas unless the radar and radio are secured or otherwise made incapable of radiation. In either event, the radio and radar shall be appropriately tagged.

(b) Testing of radar or radio shall not be done until the employer can schedule such tests at a time when no work is in progress aloft or personnel can be cleared from the danger area according to minimum safe distances established for and based on the type, model, and power of the equipment.

§ 1915.96 Work in or on lifeboats.

The provisions of this section shall apply to ship repairing, shipbuilding, and shipbreaking except that paragraph (b) of this section applies to ship repairing and shipbuilding only.

(a) Before employees are permitted to work in or on a lifeboat, either stowed or in a suspended position, the employer shall ensure that the boat is secured independently of the releasing gear to prevent the boat from falling due to accidental tripping of the releasing gear and movement of the davits or capsizing of a boat in chocks.

(b) Employees shall not be permitted to remain in boats while the boats are being hoisted into final stowed position.

(c) Employees shall not be permitted to work on the outboard side of lifeboats stowed on their chocks unless the boats are secured by gripes or otherwise secured to prevent them from swinging outboard.

§ 1915.97 Health and sanitation.

The provisions of this section shall apply to ship repairing, shipbuilding, and shipbreaking except where indicated otherwise.

(a) No chemical product, such as a solvent or preservative; no structural material, such as cadmium or zinc coated steel, or plastic material; and no process material, such as welding filler metal; which is a hazardous material within the meaning of § 1915.3(v), shall be used until the employer has ascertained the potential fire, toxic, or reactivity hazards which are likely to be encountered in the handling, application, or utilization of such a material.

(b) In order to ascertain the hazards, as required by paragraph (a) of this section, the employer shall obtain the following items of information which are applicable to a specific product or material to be used:

(1) The name, address, and telephone number of the source of the information specified in this paragraph, preferably those of the manufacturer of the product or material.

(2) The trade name and synonyms for a mixture of chemicals, a basic structural material, or for a process material; and the chemical name and synonyms, chemical family, and formula for a single chemical.

(3) Chemical names of hazardous ingredients, including, but not limited to, those in mixtures, such as those in: (i) Paints, preservatives, and solvents; (ii) alloys, metallic coatings, filler metals and their coatings or core fluxes; and (iii) other liquids, solids, or gases (e.g., abrasive materials).

(4) An indication of the percentage, by weight or volume, which each ingredient of a mixture bears to the whole mixture, and of the threshold limit value of each ingredient, in appropriate units.

(5) Physical data about a single chemical or mixture of chemicals, including boiling point, in degrees Fahrenheit; vapor pressure, in millimeters of mercury; vapor density of gas or vapor (air=1); solubility in water, in percent by weight; specific gravity of material (water=1); percent volatile, by volume, at 70° F.; evaporation rate for liquids (either butyl acetate or ether may be taken as 1); and appearance and odor.

(6) Fire and explosion hazard data about a single chemical or a mixture of chemicals, including flash point, in degrees Fahrenheit; flammable limits, in percent by volume in air; suitable extinguishing media or agents; special fire fighting procedures; and unusual fire and explosion hazard information.

(7) Health hazard data, including threshold limit value, in appropriate units, for a single hazardous chemical or for the individual hazardous ingredients of a mixture, as appropriate; effects of overexposure; and emergency and first aid procedures.

(8) Reactivity data, including stability, incompatibility, hazardous decomposition products, and hazardous polymerization.

(9) Procedures to be followed and precautions to be taken in cleaning up and disposing of materials leaked or spilled.

(10) Special protection information, including use of personal protective equipment, such as respirators, eye protection, and protective clothing, and of ventilation, such as local exhaust, general, special, or other types.

(11) Special precautionary information about handling and storing.

(12) Any other general precautionary information.

(c) The pertinent information required by paragraph (b) of this section shall be recorded either on U.S. Department of Labor Form OSHA 20, Material Safety Data Sheet, or on an essentially similar form which has been approved by the Occupational Safety and Health Administration. Copies of form OSHA 20 may be obtained at any of the following regional offices of the Occupational Safety and Health Administration:

(1) Boston-Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont):
U.S. Department of Labor, OSHA, JFK Federal Building, Room 1804, Government Center, Boston, Massachusetts 02203

(2) New York City, Region II (New Jersey, New York and Puerto Rico):
U.S. Department of Labor, OSHA, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036

(3) Philadelphia, Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia):
U.S. Department of Labor, OSHA, Gateway Building, Suite 2100, 3535 Market Street, Philadelphia, Pennsylvania 19104

(4) Atlanta, Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee):
U.S. Department of Labor, OSHA, 1375 Peachtree Street, N.E., Suite 587, Atlanta, Georgia 30309

(5) Chicago, Region V (Indiana, Illinois, Michigan, Minnesota, Ohio and Wisconsin):
U.S. Department of Labor, OSHA, 32nd Floor, Room 3263, 230 Dearborn Street, Chicago, Illinois 60604

(6) Dallas, Region VI (Arkansas, Louisiana, New Mexico, Oklahoma and Texas):
U.S. Department of Labor, OSHA, 555 Griffin Square Bldg., Room 602, Dallas, Texas 75202

(7) Kansas City, Region VII (Iowa, Kansas, Missouri and Nebraska):
U.S. Department of Labor, OSHA, 911 Walnut Street, Room 3000 Kansas City, Missouri 64106

(8) Denver, Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming):
U.S. Department of Labor, OSHA, Federal Building, Room 1554, 1961 Stout Street, Denver, Colorado 80294

(9) San Francisco, Region IX (American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territories of the Pacific Islands):
U.S. Department of Labor, OSHA, 9470 Federal Building, 450 Golden Gate Avenue, P.O. Box 36017, San Francisco, California 94102

(10) Seattle, Region X (Alaska, Idaho, Oregon and Washington):
U.S. Department of Labor, OSHA, Federal Office Building, Room 6048, 909 First Avenue, Seattle, Washington 98174

A completed form shall be preserved and available for inspection for a period of 3 months from the date of the completion of the job.

(d) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(e) The employer shall provide all necessary controls, and the employees shall be protected by suitable personal protective equipment against the hazards identified under paragraph (a) of this section and those hazards for which specific precautions are required in Subparts B, C, and D of this part.

(f) The employer shall provide adequate washing facilities for employees engaged in the application of paints or coatings or in other operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employees. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(g) The employer shall not permit employees to eat or smoke in areas undergoing surface preparation or preservation or where shipbreaking operations produce atmospheric contaminants.

(h) The employer shall not permit employees engaged in ship repair work on a vessel to work in the immediate vicinity of uncovered garbage and shall ensure that employees working beneath or on the outboard side of a vessel are not subject to contamination by drainage or waste from overboard discharges.

(i) No minor under 18 years of age shall be employed in shipbreaking or related employments.

§ 1915.98 First aid.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) Unless a first aid room and a qualified attendant are close at hand and prepared to render first aid to employees on behalf of the employer, the employer shall furnish a first aid kit for each vessel on which work is being performed, except that when work is being performed on more than one small vessel at one pier, only one kit shall be required. The kit, when required, shall be kept close to the vessel and at least one employee, close at hand, shall be qualified to administer first aid to the injured.

(b) The first aid kit shall consist of a weatherproof container with individual sealed packages for each type of item. The contents of such kit shall contain a sufficient quantity of at least the following types of items:

Gauze roller bandages, 1 inch and 2 inch.
Gauze compress bandages, 4 inch.
Adhesive bandages, 1 inch.
Triangular bandage, 40 inch.
Ammonia inhalants and ampules.
Antiseptic applicators or swabs.
Burn dressing.
Eye dressing.
Wire or thin board splints.
Forceps and tourniquet.

(c) The contents of the first aid kit shall be checked before being sent out on each job and at least weekly on each job to ensure that the expended items are replaced.

(d) There shall be available for each vessel on which ten (10) or more employees are working one Stokes basket stretcher, or equivalent, permanently equipped with bridles for attaching to the hoisting gear, except that no more than two strechers are required on each job location. A blanket or other liner suitable for transferring the patient to and from the stretcher shall be provided. Stretchers shall be kept close to the vessels. This paragraph does not apply where ambulance services which are available are known to carry such stretchers.

Subpart G—Gear and Equipment for Rigging and Materials Handling

§ 1915.111 Inspection.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) All gear and equipment provided by the employer for rigging and materials handling shall be inspected before each shift and when necessary, at intervals during its use to ensure that it is safe. Defective gear shall be removed and repaired or replaced before further use.

(b) The safe working load of gear as specified in §§ 1915.112 and 1915.113 shall not be exceeded.

§ 1915.112 Ropes, chains and slings.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) *Manila rope and manila rope slings.* (1) Table G–1 in § 1915.118 shall be used to determine the safe working load of various sizes of manila rope and manila rope slings at various angles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than five (5) is maintained.

(b) *Wire rope and wire rope slings.* (1) Tables G–2 through G–5 in § 1915.118 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than five (5) is maintained.

(2) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(3) Where U-bolt wire rope clips are used to form eyes, Table G–6 in § 1915.118 shall be used to determine the number and spacing of clips. The U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(4) Wire rope shall not be secured by knots.

(c) *Chains and chain slings.* (1) Tables G–7 and G–8 in § 1915.118 shall be used to determine the working load limit of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products.

(2) All sling chains, including end fastenings, shall be given a visual inspection before being used on the job. A thorough inspection of all chains in use shall be made every 3 months. Each chain shall bear an indication of the month in which it was thoroughly inspected. The thorough inspection shall include inspection for wear, defective welds, deformation and increase in length or stretch.

(3) Interlink wear, not accompanied by stretch in excess of 5 percent, shall be noted and the chain removed from service when maximum allowable wear at any point of link, as indicated in Table G–9 in § 1915.18 has been reached.

(4) Chain slings shall be removed from service when, due to stretch, the increase in length of a measured section exceeds five (5) percent; when a link is bent, twisted or otherwise damaged; or when raised scarfs or defective welds appear.

(5) All repairs to chains shall be made under qualified supervision. Links or portions of the chain found to be defective as described in paragraph

(c)(4) of this section shall be replaced by links having proper dimensions and made of material similar to that of the chain. Before repaired chains are returned to service, they shall be proof tested to the proof test load recommended by the manufacturer.

(6) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months when recommended by the manufacturer. The chain manufacturer shall be consulted for recommended procedures for annealing or normalizing. Alloy chains shall never be annealed.

(7) A load shall not be lifted with a chain having a kink or knot in it. A chain shall not be shortened by bolting, wiring or knotting.

§ 1915.113 Shackles and hooks.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) *Shackles.* (1) Table G–10 in § 1915.118 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than (5) is maintained.

(b) *Hooks.* (1) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(2) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(3) Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

§ 1915.114 Chain falls and pull-lifts.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) Chain falls and pull-lifts shall be clearly marked to show the capacity and the capacity shall not be exceeded.

(b) Chain falls shall be regularly inspected to ensure that they are safe, particular attention being given to the lift chain, pinion, sheaves and hooks for distortion and wear. Pull-lifts shall be regularly inspected to ensure that they are safe, particular attention being given to the ratchet, pawl, chain and hooks for distortion and wear.

(c) Straps, shackles, and the beam or overhead structure to which a chain fall or pull-lift is secured shall be of adequate strength to support the weight of load plus gear. The upper hook shall be moused or otherwise secured against coming free of its support.

(d) Scaffolding shall not be used as a point of attachment for lifting devices such as tackles, chain falls, and pull-lifts unless the scaffolding is specifically designed for that purpose.

§ 1915.115 Hoisting and hauling equipment.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) Derrick and crane certification:

(1) Derricks and cranes which are part of, or regularly placed aboard barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, shall be tested and certificated in accordance with the standards provided in Part 1919 of this title by persons accredited for the purpose.

(b) The moving parts of hoisting and hauling equipment shall be guarded.

(c) Mobile crawler or truck cranes used on a vessel: (1) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(2) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(d) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane wither permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(e) *Marine railways.* (1) The cradle or carriage on the marine railway shall be positively blocked or secured when in the hauled position to prevent it from being accidentally released.

§ 1915.116 Use of gear.

(a) The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking except that paragraphs (c) and (d) of this section shall apply to ship repairing and shipbuilding only.

(b) Loads shall be safely rigged before being hoisted.

(c) Plates shall be handled on and off hulls by means of shackles whenever possible. Clips or pads of ample size shall be welded to the plate to receive the shackle pins when there are no holes in the plate. When it is not possible to make holes in or to weld pads to the plate, alligator tongs, grab clamps or screw clamps may be used. In such cases special precautions shall be taken to keep employees from under such lifts.

(d) Tag lines shall be provided on loads likely to swing or to need guidance.

(e) When slings are secured to eye-bolts, the slings shall be so arranged, using spreaders if necessary, that the pull is within 20 degrees of the axis of the bolt.

(f) Slings shall be padded by means of wood blocks or other suitable material where they pass over sharpe edges or corners of loads so as to prevent cutting or kinking.

(g) Skips shall be rigged to be handled by not less than 3 legged bridles, and all legs shall always be used. When open end skips are used, means shall be taken to prevent the contents from falling.

(h) Loose ends of idle legs of slings in use shall be hung on the hook.

(i) Employees shall not be permitted to ride the hook or the load.

(j) Loads (tools, equipment or other materials) shall not be swung or suspended over the heads of employees.

(k) Pieces of equipment or structure susceptible to falling or dislodgement shall be secured or removed as early as possible.

(l) An individual who is familiar with the signal code in use shall be assigned to act as a signalman when the hoist operator cannot see the load being handled. Communications shall be made by means of clear and distinct visual or auditory signals except that verbal signals shall not be permitted.

(m) Pallets, when used, shall be of such material and contruction and so maintained as to safely support and carry the loads being handled on them.

(n) A section of hatch through which materials or equipment are being raised, lowered, moved, or otherwise shifted manually or by a crane, winch, hoist, or derrick, shall be completely opened. The beam or pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent it from being unshipped so that it cannot be displaced by accident.

(o) Hatches shall not be open or closed while employees are in the square of the hatch below.

(p) Before loads or empty lifting gear are raised, lowered, or swung, clear and sufficient advance warning shall be given to employees in the vincinity of such operations.

(q) At no time shall an employee be permitted to place himself in a hazardous position between a swinging load and a fixed object.

§ 1915.117 Qualifications of operators.

Paragraphs (a) and (d) of this section shall apply to ship repairing and shipbuilding only. Paragraphs (b) and (c) of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) When ship's gear is used to hoist materials aboard, a competent person shall determine that the gear is properly rigged, that it is in safe condition, and that it will not be overloaded by the size and weight of the lift.

(b) Only those employees who understand the signs, notices, and operating instructions, and are familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power operated hoisting apparatus.

(c) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him, shall be permitted to operate a crane, winch or other power operated hoisting apparatus.

(d) No minor under eighteen (18) years of age shall be employed in occupations involving the operation of any power-driven hoisting apparatus or assisting in such operations by work such as hooking on, loading slings, rigging gear, etc.

§ 1915.118 Tables

The provisions of this section apply to ship repairing, shipbuilding and shipbreaking.

TABLE E-1.—DIMENSIONS AND SPACING OF WOOD INDEPENDENT-POLE SCAFFOLD MEMBERS

Structural members	Light duty (Up to 25 pounds per square foot)—Height in feet			Heavy duty (25 to 75 pounds per square foot)—Height in feet		
	24 or less	24–40	40–60	24 or less	24–40	40–60
Poles or uprights (in inches)	2 x 4	3 x 4 or 2 x 6	4 x 4	3 x 4	4 x 4	4 x 6
Bearers (in inches)	2 x 6	2 x 6	2 x 6	2 x 8	2 x 8	2 x 10
Ledgers (in inches)	2 x 6	2 x 6	2 x 6	2 x 8	2 x 8	2 x 8
Stringers (not supporting bearers) (in inches)	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6
Braces (in inches)	1 x 4	1 x 6	1 x 6	1 x 6	1 x 6	1 x 6
Pole spacing—longitudinally (in feet)	7½	7½	7½	7	7	7
Pole spacing—transversely (in feet)	6½ min	7½ min	8½ min	6½	10	10
Ledger spacing—vertically (in feet)	7	7	7	4½	4½	4½

TABLE E-2.—SPECIFICATIONS FOR SIDE RAILS OF LADDERS

Length (in feet)	Cross section (in inches)	
	At ends	At center
15	1⅞ x 2¾	1⅞ x 3¾
16	1⅞ x 2¾	1⅞ x 3¾
18	1⅞ x 3	1⅞ x 4
20	1⅞ x 3	1⅞ x 4
24	1⅞ x 3	1⅞ x 4½

TABLE E-3.—SPECIFICATIONS FOR THE CONSTRUCTION OF HORSES

Structural members	Height in feet		
	Up to 10	10 to 16	16 to 20
	inches	*inches*	*inches*
Legs	2 x 4	3 x 4	4 x 6
Bearers or headers	2 x 6	2 x 8	4 x 6
Crossbraces	2 x 4	2 x 4	2 x 6
	or		
	1 x 8		
Longitudinal braces	2 x 4	2 x 6	2 x 6

TABLE E-4.—SAFE CENTER LOADS FOR SCAFFOLD PLANK OF 1,100 POUNDS FIBRE STRESS

Span in feet	Lumber dimensions in inches									
	A	B	A	B	A	B	A	B	A	B
	2 x 10	1⅝ x 9½	2 x 12	1⅝ x 11½	3 x 8	2⅝ x 7½	3 x 10	2⅝ x 9½	3 x 12	2⅝ x 11½
6	256		309		526		667		807	
8	192		232		395		500		605	
10	153		186		316		400		484	
12	128		155		263		333		404	
14	110		133		225		286		346	
16			116		197		250		303	

(A)—Rough lumber.
(B)—Dressed lumber.

TABLE G-1.—MANILA ROPE

[In pounds or tons of 2,000 pounds]

Circumferences	Diameter in inches	Single leg	60° bridle	45° bridle	30° bridle
		lbs.	lbs.	lbs.	lbs.
¾	¼	120	204	170	120
1	5/16	200	346	282	200
1⅛	⅜	270	467	380	270
1¼	7/16	350	605	493	350
1⅜	1 1/2	450	775	635	450

TABLE G-1.—MANILA ROPE—Continued

[In pounds or tons of 2,000 pounds]

Circumferences	Diameter in inches	Single leg	60° bridle	45° bridle	30° bridle
		lbs.	lbs.	lbs.	lbs.
1½	½	530	915	798	530
1¾	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2¼	¾	1080	1870	1520	1080
2½	13/16	1300	2250	1830	1300
2¾	⅞	1540	2660	2170	1540
3	1	1800	3120	2540	1800
		Tons	Tons	Tons	Tons
3¼	1 1/16	1.0	1.7	1.4	1.0
3½	1⅛	1.2	2.1	1.7	1.2
3¾	1¼	1.35	2.3	1.9	1.35
4	1 5/16	1.5	2.6	2.1	1.5
4½	1½	1.8	3.1	2.5	1.8
5	1⅝	2.25	3.9	3.2	2.25
5½	1¾	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6½	2⅛	3.6	6.2	5.1	3.6

TABLE G-2.—RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS

[In tons of 2,000 pounds]

Rope diameter	Single leg					
	Vertical			Choker		
	A	B	C	A	B	C
6 x 19 Classification						
¼"	.59	.56	.53	.44	.42	.40
⅜"	1.3	1.2	1.1	.98	.93	.86
½"	2.3	2.2	2.0	1.7	1.6	1.5
⅝"	3.6	3.4	3.0	2.7	2.5	2.2
¾"	5.1	4.9	4.2	3.8	3.6	3.1
⅞"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1⅛"	11	10	9.0	8.5	7.8	6.8
6 x 37 Classification						
1¼"	13	12	10	9.9	9.2	7.9
1⅜"	16	15	13	12	11	9.6
1½"	19	17	15	14	13	11
1¾"	26	24	20	19	18	15
2"	33	30	26	25	23	20
2¼"	41	38	33	31	29	25

(A)—Socket or Swaged Terminal attachment.
(B)—Mechanical Sleeve attachment.
(C)—Hand Tucked Splice attachment.

TABLE G-3.—RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS

[In tons of 2,000 pounds]

Rope diameter	Two-leg bridle or basket hitch											
	Vertical			60° bridle			45° bridle			30° bridle		
	A	B	C	A	B	C	A	B	C	A	B	C
6 x 19 Classification												
¼"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
⅜"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
½"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
⅝"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
¾"	10	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
⅞"	14	13	11	12	11	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18	17	14	15	15	12	13	12	10	9.0	8.5	7.2
1⅛"	23	21	18	19	18	16	16	15	13	11	10	9.0
6 x 37 Classification												
1¼"	26	24	21	23	21	18	19	17	15	13	12	10
1⅜"	32	29	25	28	25	22	22	21	18	16	15	13
1½"	38	35	30	33	30	26	27	25	21	19	17	15
1¾"	51	47	41	44	41	35	36	33	29	26	24	20
2"	66	621	53	57	53	46	47	43	37	33	30	26
2¼"	83	76	66	72	66	57	58	54	47	41	38	33

(A)—Socket or Swaged Terminal Attachment.
(B)—Mechanical Sleeve Attachment.
(C)—Hand Tucked Splice Attachment.

TABLE G-4.—RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS

[in tons of 2,000 pounds]

Rope diameter	Single leg					
	Vertical			Choker		
	A	B	C	A	B	C
6 x 19 Classification						
¼"	.55	.51	.49	.41	.38	.37
⅜"	1.2	1.1	1.1	.91	.85	.80
½"	2.1	2.0	1.8	1.6	1.5	1.4
⅝"	3.3	3.1	2.8	2.5	2.3	2.1
¾"	4.8	4.4	3.9	3.6	3.3	2.9
⅞"	6.4	5.9	5.1	4.8	4.5	3.9
1"	8.4	7.7	6.7	6.3	5.8	5.0
1⅛"	10	9.5	8.4	7.9	7.1	6.3
6 x 37 Classification						
1¼"	12	11	9.8	9.2	8.3	7.4
1⅜"	15	13	12	11	10	8.9
1½"	17	16	14	13	12	10
1¾"	24	21	19	18	16	14
2"	31	28	25	23	21	18

(A)—Socket or Swaged Terminal attachment.
(B)—Mechanical Sleeve attachment.
(C)—Hand Tucked Splice attachment.

TABLE G-5—RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS

[In tons of 2,000 pounds]

Rope diameter	Two-leg bridle or basket hitch											
	Vertical			60° bridle			45° bridle			30° bridle		
	A	B	C	A	B	C	A	B	C	A	B	C
6 × 19 Classification												
¼"	1.1	1.0	.99	.95	.88	.85	.77	.72	.70	.55	.51	.49
⅜"	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
½"	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
⅝"	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
¾"	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
⅞"	13	12	10	11	10	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1"	17	15	13	14	13	11	12	11	9.4	8.4	7.7	6.7
1⅛"	21	19	17	18	16	14	15	13	12	10	9.5	8.4
6 × 37 Classification												
1¼"	25	22	20	21	19	17	17	16	14	12	11	9.8
1⅜"	30	27	24	26	23	20	21	19	17	15	13	12
1½"	35	32	28	30	27	24	25	22	20	17	16	14
1¾"	48	43	38	41	37	33	34	30	27	24	21	19
2"	62	55	49	53	48	43	43	39	35	31	28	25

(A)—Socket or Swaged Terminal attachment.
(B)—Mechanical Sleeve attachment.
(C)—Hand Tucked Splice attachment.

TABLE G-6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter, inches	Number of clips		Minimum spacing, inches
	Drop forged	Other material	
([1])			
½	3	4	3
⅝	3	4	3¾
¾	4	5	4½
⅞	4	5	5¼
1	4	6	6
1⅛	5	6	6¾
1¼	5	7	7½
1⅜	6	7	8¼
1½	6	8	9

[1] Three clips shall be used on wire size less than ½-inch diameter.

TABLE G-7—WROUGHT IRON CHAIN

[In pounds or tons of 2,000 pounds]

Nominal size chains stock	Single leg	60° bridle	45° bridle	30° bridle
¼" [1]	1060	1835	1500	1060
9/16" [1]	1655	2865	2340	1655
⅜" [1]	2385	2.1	3370	2385
7/16" [1]	3250	2.8	2.3	3250
½"	2.1	3.7	3.0	2.1
9/16" [1]	2.7	4.6	3.8	2.7
⅝"	3.3	5.7	4.7	3.3
¾"	4.8	8.3	6.7	4.8
⅞"	6.5	11.2	9.2	6.5
1"	8.5	14.7	12.0	8.5
1⅛"	10.0	17.3	14.2	10.0
1¼"	12.4	21.4	17.5	12.4
1⅜"	15.0	25.9	21.1	15.0
1½"	17.8	30.8	25.2	17.8
1⅝"	20.9	36.2	29.5	20.9
1¾"	24.2	42.0	34.3	24.2
1⅞"	27.6	47.9	39.1	27.6
2"	31.6	54.8	44.8	31.6

[1] These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G-8.—ALLOY STEEL CHAIN

(In tons of 2,000 pounds)

Nominal size chain stock	Single leg	60° bridle	45° bridle	30° bridle
¼"	1.62	2.82	2.27	1.62
⅜"	3.30	5.70	4.65	3.30
½"	5.62	9.75	7.90	5.62
⅝"	8.25	14.25	11.65	8.25
¾"	11.5	19.9	16.2	11.5
⅞"	14.3	24.9	20.3	14.3
1"	19.3	33.5	27.3	19.8
1⅛"	22.2	38.5	31.5	22.2
1¼"	28.7	49.7	40.5	28.7
1⅜"	33.5	58.0	47.0	33.5
1½"	39.7	68.5	56.0	39.7
1⅝"	42.5	73.5	59.5	42.5
1¾"	47.0	81.5	62.0	47.0

TABLE G-9.—MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
¼(9/32)	3/64
⅜	5/64
½	7/64
⅝	9/64
¾	5/32
⅞	11/64
1	3/16
1⅛	7/32
1¼	¼
1⅜	9/32
1½	5/16
1¾	11/32

TABLE G-10.—SAFE WORKING LOADS FOR SHACKLES

[In tons of 2,000 pounds]

Material size (inches)	Pin diameter (inches)	Safe working load
½	⅝	1.4
⅝	¾	2.2
¾	⅞	3.2
⅞	1	4.3
1	1⅛	5.6
1⅛	1¼	6.7
1¼	1⅜	8.2
1⅜	1½	10.0
1½	1⅝	11.9
1¾	2	16.2
2	2¼	21.2

TABLE I-1.—FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY

Operation	Shade No.
Soldering	2.
Torch Brazing	3 or 4.
Light cutting, up to 1 inch	3 or 4.
Medium cutting, 1-6 inches	4 or 5.
Heavy cutting, over 6 inches	5 or 6.
Light gas welding, up to ⅛ inch.	4 or 5.
Medium gas welding, ⅛-½ inch.	5 or 6.
Heavy gas welding, over ½ inch.	6 or 8.
Shielded Metal-Arc Welding 1/16 to 5/32-inch electrodes.	10.
Inert-gas Metal-Arc Welding (Non-ferrous) 1/16- to 5/32-inch electrodes.	11.
Shielded Metal-Arc Welding: 3/16-to ¼-inch electrodes	12.

TABLE I-1.—FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY—Continued

Operation	Shade No.
5/32- and 3/16-inch electrodes	14.

Subpart H—Tools and Related Equipment

§ 1915.131 General precautions.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) Hand lines, slings, tackles of adequate strength, or carriers such as tool bags with shoulder straps shall be provided and used to handle tools, materials, and equipment so that employees will have their hands free when using ship's ladders and access ladders. The use of hose or electric cords for this purpose is prohibited.

(b) When air tools of the reciprocating type are not in use, the dies and tools shall be removed.

(c) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum are required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum are required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(d) The moving parts of machinery on dry dock shall be guarded.

(e) Before use, pneumatic tools shall be secured to the extension hose or whip by some positive means to prevent the tool from becoming accidentally disconnected from the whip.

(f) The moving parts of drive mechanisms, such as gearing and belting on large portable tools, shall be adequately guarded.

(g) Headers, manifolds and widely spaced hose connection on compressed air lines shall bear the work "air" in letters at least 1 inch high, which shall be painted either on the manifold or separate hose connections, or on signs permanently attached to the manifolds or connections. Grouped air connections may be marked in one location.

(h) Before use, compressed air hose shall be examined. Visibly damaged and unsafe hose shall not be used.

§ 1915.132 Portable electric tools.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking except that paragraph (e) of this section applies to ship repairing only.

(a) The frames of portable electric tools and appliances, except double insulated tools approved by Underwriters' Laboratories, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the tool is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(c) Portable electric tools which are held in the hand shall be equipped with switches of a type which must be manually held in the closed position.

(d) Worn or frayed electric cables shall not be used.

(e) The employer shall notify the officer in charge of the vessel before using electric power tools operated with the vessel's current.

§ 1915.133 Hand tools.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) Employers shall not issue or permit the use of unsafe hand tools.

(b) Wrenches, including crescent, pipe, end and socket wrenches, shall not be used when jaws are sprung to the point that slippage occurs.

(c) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(d) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

§ 1915.134 Abrasive wheels.

This section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) Floor stand and bench mounted abrasive wheels used for external grinding shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90 degrees, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125 degrees. In either case the exposure shall begin not more than 65 degrees above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(b) Floor and bench mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept a distance not to exceed 1/8 inch from the surface of the wheel.

(c) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the United States of America Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1. All other portable abrasive wheels used for external grinding shall be provided with safety guards (protection hoods) meeting the requirements of paragraph (e) of this section, except as follows:

(1) When the work location makes it impossible, in which case a wheel equipped with safety flanges as described in paragraph (f) of this section shall be used.

(2) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(d) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of paragraph (f) of this section, except as follows:

(1) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used.

(2) If the wheel is entirely within the work being ground while in use.

(e) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180 degrees.

(f) When safety flanges are required, they shall be used only with wheels designed to fit the flanges. Only safety flanges of a type and design and properly assembled so as to insure that the pieces of the wheel will be retained in case of accidental breakage shall be used.

(g) All abrasive wheels shall be closely inspected and ring tested before mounting to ensure that they are free from cracks or defects.

(h) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(i) The power supply shall be sufficient to maintain the rated spindle speed under all conditions of normal grinding. The rated maximum speed of the wheel shall not be exceeded.

(j) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of §§ 1915.151 (a) and (b), except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

§ 1915.135 Powder actuated fastening tools.

(a) The section shall apply to ship repairing and shipbuilding only.

(b) General precautions. (1) Powder actuated fastening tools shall be tested each day before loading to ensure that the safety devices are in proper working condition. Any tool found not to be in proper working order shall be immediately removed from service until repairs are made.

(2) Powder actuated fastening tools shall not be used in an explosive or flammable atmosphere.

(3) All tools shall be used with the type of shield or muzzle guard appropriate for a particular use.

(4) Fasteners shall not be driven into very hard or brittle materials such as cast iron, glazed tile, surface hardened steel, glass block, live rock, face brick or hollow title.

(5) Fasteners shall not be driven into soft materials unless such materials are backed by a substance that will prevent the pin or fastener from passing completely through and creating a flying missile hazard on the opposite side.

(6) Unless a special guard, fixture or jig is used, fasteners shall not be driven directly into materials such as brick or concrete within 3 inches of the unsupported edge or corner, or into steel surfaces within ½ inch of the unsupported edge or corner. When fastening other material, such as 2 x 4 inch lumber to a concrete surface, fasteners of greater than 7/32 inch shank diameter shall not be used and fasteners shall not be driven within 2 inches of the unsupported edge or corner of the work surface.

(7) Fasteners shall not be driven through existing holes unless a positive guide is used to secure accurate alignment.

(8) No attempt shall be made to drive a fastener into a spalled area caused by an unsatisfactory fastening.

(9) Employees using powder actuated fastening tools shall be protected by eye protection equipment in accordance with the requirements of §§ 1915.151 (a) and (b).

(c) Instruction of operators. Before employees are permitted to use powder actuated tools, they shall have been thoroughly instructed by a competent person with respect to the requirements of paragraph (b) of this section and the safe use of such tools as follows:

(1) Before using a tool, the operator shall inspect it to determine that it is clean, that all moving parts operate freely and that the barrel is free from obstructions.

(2) When a tool develops a defect during use, the operator shall immediately cease to use it and shall notify his supervisor.

(3) Tools shall not be loaded until just prior to the intended firing time and the tool shall not be left unattended while loaded.

(4) The tool, whether loaded or empty, shall not be pointed at any person, and hands shall be kept clear of the open barrel end.

(5) In case of a misfire, the operator shall hold the tool in the operating position for at least 15 seconds and shall continue to hold the muzzle against the work surface during disassembly or opening of the tool and removal of the powder load.

(6) Neither tools nor powder charges shall be left unattended in places where they would be available to unauthorized persons.

§ 1915.136 Internal combustion engines, other than ship's equipment.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking.

(a) When internal combustion engines furnished by the employer are used in a fixed position below decks, for such purposes as driving pumps, generators, and blowers, the exhaust shall be led to the open air, clear of any ventilation intakes and openings through which it might enter the vessel.

(b) All exhaust line joints and connections shall be checked for tightness immediately upon starting the engine, and any leaks shall be corrected at once.

(c) When internal combustion engines on vehicles, such as forklifts and mobile cranes, or on portable equipment such as fans, generators, and pumps exhaust into the atmosphere below decks, the competent person shall make tests of the carbon monoxide content of the atmosphere as frequently as conditions require to ensure that dangerous concentrations do not develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 50 parts per million (0.005%). The employer shall use blowers sufficient in size and number and so arranged as to maintain the concentration below this allowable limit before work is resumed.

Subpart I—Personal Protective Equipment

§ 1915.151 Eye protection.

(a) *General precautions.* (1) All eye protection equipment required by these regulations shall meet the specifications prescribed by the American Standard Safety Code for Head, Eye and Respiratory Protection, Z2.1.

(2) Eye protection equipment shall be maintained in good condition.

(3) Eye protection equipment which has previously been used shall be cleaned and disinfected before it is issued by the employer to another employee.

(4) Employees who wear corrective spectacles while engaged in eye hazardous work shall be protected by eye protection equipment of a type which can be worn over personnel spectacles, except that glasses with prescription ground safety lenses may be worn in lieu of cover goggles when such glasses provide suitable protection against the hazard involved.

(b) *Protection against impact.* (1) In any operations such as chipping, caulking, drilling, riveting, grinding, and pouring babbitt metal, in which the eye hazard of flying particles, molten metal, or liquid chemical exists, employees shall be protected by suitable face shields or goggles meeting the requirements of paragraph (a) of this section.

(c) *Protection against radiant energy.* (1) In any operation in which the eye hazard of injurious light rays or other radiant energy exists, depending upon the intensity of the radiation to which employees are exposed, they shall be protected by spectacles, cup goggles, helmets, hand shields, or face shields equipped with filter lenses meeting the requirements of paragraphs (a) and (c)(2) of this section.

(2) Filter lenses shall be of a shade number appropriate to the type of work to be performed as indicated in Table I–1 in § 1915.118, except that variation of one or two shade numbers are permissible to suit individual preferences.

(3) If filter lenses are used in the goggles worn under the helmet, the shade number of the lens in the helmet may be reduced so that the sum of the shade numbers of the two lenses will equal the value shown in Table I–1 in § 1915.118.

§ 1915.152 Respiratory protection.

(a) *General.* (1) All respiratory equipment required by this Part shall be approved for the use for which it is intended by the Mine Safety and Health

Administration and the National Institute of Occupational Safety and Health pursuant to the provisions of 30 CFR Part 11. Respiratory protective equipment shall be used only for the purpose intended and no modifications of the equipment shall be made.

(2) Respiratory protective equipment shall be inspected regulatory and maintained in good condition. Gas mask canisters and chemical cartridges shall be replaced as necessary so as to provide complete protection. Mechanical filters shall be cleaned or replaced as necessary so as to avoid undue resistance to breathing.

(3) Respiratory protective equipment which has been previously used shall be cleaned and disinfected before it is issued by the employer to another employee. Emergency rescue equipment shall be cleaned and disinfected immediately after each use.

(4) Employees required to use respiratory protective equipment approved for use in atmospheres immediately dangerous to life shall be thoroughly trained in its use. Employees required to use other types of respiratory protective equipment shall be instructed in the use and limitations of such equipment.

(5) When an air line respirator is used, the air line shall be fitted with a pressure regulating valve and a filter which will remove oil water and rust particles. The air intake shall be from a source which is free from all contaminants, such as the exhaust from internal combustion engines.

(6) In all cases when an employee is stationed outside a compartment, tank or space as a tender or safety man for men working inside in an atmosphere immediately dangerous to life, the tender shall have immediately available for emergency use respiratory protective equipment equivalent to that required for the men in the compartment. When a tender is stationed outside a compartment for men working inside in an atmosphere not immediately dangerous to life, the tender shall wear respiratory protective equipment equivalent to that required for the men in the compartment if he is exposed for prolonged periods to the same concentration of atmospheric contaminants.

(b) *Protection in atmospheres immediately dangerous to life.* (1) Atmospheres immediately dangerous to life are those which contain less than 16.5 percent oxygen, or which by reason of the high toxicity of the contaminant, as in fumigation, or high concentration of the contaminant, as with carbon dioxide, would endanger the life of a person breathing them for even a short period of time.

(2) In atmospheres immediately dangerous to life the only approved types of respiratory protective equipment are the following:

(i) Self-contained breathing apparatus, in which the wearer carries with him a supply of oxygen, air, or an oxygen generating material.

(ii) Hose mask with blower, in which a hand or motor operated blower supplies air at high volume and low pressure through a large diameter hose through which the wearer can draw air in case the blower fails.

(iii) If there is known to be more than 16 percent oxygen and less than 2 percent gas by volume, a gas mask equipped with a canister approved for the particular type gas involved.

Note.—A gas mask offers absolutely no protection in an atmosphere deficient in oxygen.

(3) Work in atmospheres immediately dangerous to life shall be performed only in an emergency, as when rescuing a man who has been overcome or when shutting off a source of contamination that cannot otherwise be controlled. When an employee enters such an atmosphere he shall be provided with and use an adequate, attended life line.

(4) In the vicinity of each vessel in which there is a danger of employees being exposed to an atmosphere immediately dangerous to life, the employer shall have on hand and ready for use respiratory protective equipment approved for such use. When such equipment is required, one or more persons shall be thoroughly trained in the use of the equipment.

(c) *Protection against gaseous contaminants not immediately dangerous to life.* (1) Gaseous contaminants not immediately dangerous to life are gases present in concentrations that could be breathed for a short period without endangering the life of a person breathing them, but which might produce discomfort and possible injury after a prolonged single exposure or repeated short exposures.

(2) When employees are exposed to a gaseous contaminated atmosphere not immediately dangerous to life, they shall be protected by respiratory protective equipment approved for use in the type and concentration of the gaseous contaminant as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator in lower concentrations is permissible.

(ii) In concentrations of ammonia of less than 3 percent, or of other gases less than 2 percent, by volume, a canister type gas mask equipped with the proper type of canister. Different canisters are approved for specific use against the following gases or groups of gases: Acid gases, hydrocyanic acid gas, chlorine gas, organic vapors, ammonia gas, carbon monoxide, or combination of the above.

(iii) In low concentrations (less than 0.1 percent by volume), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in paragraph (c)(2)(ii) of this section.

(d) *Protection against particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to unsafe concentrations of particular contaminants, such as dusts and fumes, mists and fogs or combinations of solids and liquids, they shall be protected by either air line or filter respirators, except as otherwise provided in this part.

(2) Filter respirators shall be equipped with the proper type of filter. Different filters are approved for specific protection against groups of contaminants, as follows:

(i) Pneumoconiosis-producing dust and nuisance dust filters which provide respiratory protection against pneumoconiosis-producing dusts, such as aluminum, cellulose, cement, charcoal, coal, coke, flour, gypsum, iron ore, limestone and wood.

(ii) Toxic dust filters which provide respiratory protection against toxic dusts that are not significantly more toxic than lead, such as arsenic, cadmium, chromium, lead, manganese, selenium, vanadium, and their compounds.

(iii) Mist filters which provide respiratory protection against pneumoconiosis-producting mists, chromic acid mists, and nuisance mists.

(iv) Fume filters which provide respiratory protection against fumes (solid dispersoids or particulate matter formed by the condensation of vapors, such as those from heated metals and other substances).

(v) Filters which provide respiratory protection against combinations of two or more of the contaminants described in paragraphs (d)(2) (i) through (iv) of this section.

(e) *Protection against combinations of gaseous and particulate contaminants not immediately dangerous to life.* (1) When employees are exposed to combinations of gaseous and particulate contaminants not immediately dangerous to life, as in spray painting they shall be protected by respiratory

protective equipment approved for use in the type and concentration of the contaminants, as follows:

(i) In high or unknown concentrations, a hose mask or an air line respirator. The use of either a hose mask or an air line respirator is permissible in lower concentrations.

(ii) In concentrations of gaseous contaminants of less than 2 percent by volume, a canister type gas mask with a combination canister approved for the particular type of gaseous contaminant as specified in paragraph (c)(2) of this section and a filter for the particular type of particulate contaminant as specified in paragraph (d)(1) of this section.

(iii) In low concentrations of gaseous contaminants (less than 0.1 percent by volume) a respirator equipped with the type of cartridge and filter as specified in paragraph (e)(ii) of this section.

§ 1915.153 Head, foot and body protection.

(a) When employees are working in areas where there is danger of falling objects they shall be protected by protective hats.

(b) Protective hats shall meet the specifications contained in the United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1. Hats without dielectric strength shall not be used where there is the possibility of contact with electric conductors.

(c) Protective hats which have been previously worn shall be cleaned and disinfected before they are issued by the employer to another employee.

(d) The employer shall arrange through means such as vendors or local stores, or otherwise, to make safety shoes readily available to all employees, and shall encourage their use. Metal toe caps from which the covering has been worn shall be insulated when employees are working on exposed energized circuits of the vessel's electrical system.

(e) Employees shall not be permitted to wear excessively greasy clothing when performing hot work operations.

(f) Employees shall be protected by suitable gloves when engaged in operations hazardous to their hands.

§ 1915.154 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD or their equivalent, pursuant to 46 CFR Part 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

(b) *Safety belts and lifelines.* (1) Safety belts shall be equipped with lifelines which in use are secured with a minimum of slack to a fixed structure.

(2) Prior to each use, belts and lifelines shall be inspected for dry rot, chemical damage, or other defects which may affect their strength. Defective belts and lifelines shall not be used.

(3) When employees are working in any location requiring a safety belt and a lifeline, care shall be exercised to ensure that the lifeline is not cut, pinched, or led over a sharp edge. In hot work operations or those involving the use of acids, solvents, or caustics, the line shall be kept clear to avoid its being burned or weakened. In order to keep the lifeline continuously attached with a minimum of slack to a fixed structure the attachment point of the lifeline shall be appropriately changed as the work progresses.

(c) *Life rings and laddets.* (1) At least three 30 inch Coast Guard approved life rings with lines attached shall be kept in easily visible and readily accessible places aboard each vessel afloat on which work is being performed. Life rings shall be located, one forward, one aft, and one on the gangway, except on vessels, under 200 feet in length, in which case one at the gangway will be sufficient.

(2) At least one life ring with a line attached shall be located on each staging float alongside a vessel on which work is being performed.

(3) At least 90 feet of line shall be attached to each life ring. Life rings and lines shall be maintained in good condition.

(4) In the vicinity of each vessel afloat in which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event that they fall into the water.

Subpart J—Ship's Machinery and Piping Systems

§ 1915.161 Scope and application.

The standards contained in this subpart shall apply to ship repairing and shipbuilding and shall not apply to shipbreaking.

§ 1915.162 Ship's boilers.

(a) Before work is performed in the fire, steam, or water spaces of a boiler where employees may be subject to injury from the direct escape of a high temperature medium such as steam, or water, oil, or other medium at a high temperature entering from an interconnecting system, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, blanked, and tagged indicating that employees are working in the boiler. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working in the boiler, or until the work in the boiler is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

(3) A warning sign calling attention to the fact that employees are working in the boilers shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are out of the boilers.

§ 1915.163 Ship's piping systems.

(a) Before work is performed on a valve, fitting, or section of piping in a piping system where employees may be subject to injury from the direct escape of steam, or water, oil, or other medium at a high temperature, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead system with the life system or systems shall be secured, blanked, and tagged indicating that employees are working on the systems. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the system, or until the work on the system is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

§ 1915.164 Ship's propulsion machinery.

(a) Before work is performed on the main engine, reduction gear, or

connecting accessories, the employer shall ensure that the following steps are taken:

(1) The jacking gear shall be engaged to prevent the main engine from turning over. A sign shall be posted at the throttle indicating that the jacking gear is engaged. This sign shall not be removed until the jacking gear can be safely disengaged.

(2) If the jacking gear is steam driven, the stop valves to the jacking gear shall be secured, locked, and tagged indicating that employees are working on the main engine.

(3) If the jacking gear is electrically driven, the circuit controlling the jacking gear shall be deenergized by tripping the circuit breaker, opening the switch or removing the fuse, whichever is appropriate. The breaker, switch, or fuse location shall be tagged indicating that employees are working on the main engine.

(b) Before the jacking engine is operated, the following precautions shall be taken:

(1) A check shall be made to ensure that all employees, equipment, and tools are clear of the engine, reduction gear, and its connecting accessories.

(2) A check shall be made to ensure that all employees, equipment and tools are free of the propeller.

(c) Before work is started on or in the immediate vicinity of the propeller, a warning sign calling attention to the fact that employees are working in that area shall be hung in a conspicuous location in the engine room. This sign shall not be removed until it is determined that the work is completed and all employees are free of the propeller.

(d) Before the main engine is turned over (e.g., when warming up before departure or testing after an overhaul) a check shall be made to ensure that all employees, equipment, and tools are free of the propeller.

§ 1915.165 Ship's deck machinery.

(a) Before work is performed on the anchor windlass or any of its attached accessories, the employer shall ensure that the following steps are taken:

(1) The devil claws shall be made fast to the anchor chains.

(2) The riding pawls shall be in the engaged position.

(3) In the absence of devil claws and riding pawls, the anchor chains shall be secured to a suitable fixed structure of the vessel.

Subpart K—Portable, Unfired Pressure Vessels, Drums and Containers, Other Than Ship's Equipment

§ 1915.171 Scope and application of subpart.

The standards contained in this subpart shall apply to ship repairing and shipbuilding and shall not apply to shipbreaking.

§ 1915.172 Portable air receivers and other unfired pressure vessels.

(a) Portable, unfired pressure vessels, built after the effective date of this regulation, shall be marked and reported indicating that they have been designed and constructed to meet the standards of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section XIII, Rules for Construction of Unfired Pressure Vessels, 1963. They shall be subjected to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(b) Portable, unfired pressure vessels, not built to the code requirements of paragraph (a) of this section, and built prior to the effective date of this regulation, shall be examined quarterly by a competent person. They shall be subjected yearly to a hydrostatic pressure test of one and one-half times the working pressure of the vessels.

(c) The relief valves on the portable, unfired pressure vessels in paragraphs (a) and (b) of this section shall be set to the safe working pressure of the vessels, or set to the lowest safe working pressure of the systems, whichever is lower.

(d) A record of such examinations and tests made in compliance with the requirements of paragraphs (a) and (b) of this section shall be maintained.

§ 1915.173 Drums and containers.

(a) Shipping drums and containers shall not be pressurized to remove their contents.

(b) A temporarily assembled pressurized piping system conveying hazardous liquids or gases shall be provided with a relief valve and by-pass to prevent rupture of the system and the escape of such hazardous liquids or gases.

(c) Pressure vessels, drums and containers containing toxic or flammable liquids or gases shall not be stored or used where they are subject to open flame, hot metal, or other sources of artificial heat.

(d) Unless pressure vessels, drums and containers of 30 gallon capacity or over containing flammable or toxic liquids or gases are placed in an out-of-the-way area where they will not be subject to physical injury from an outside source, barriers or guards shall be erected to protect them from such physical injury.

(e) Containers of 55 gallons or more capacity containing flammable or toxic liquid shall be surrounded by dikes or pans which enclose a volume equal to at least 35 percent of the total volume of the containers.

(f) Fire extinguishers adequate in number and suitable for the hazard shall be provided. These extinguishers shall be located in the immediate area where pressure vessels, drums and containers containing flammable liquids or gases are stored or in use. Such extinguishers shall be ready for use at all times.

Subpart L—Electrical Machinery

§ 1915.181 Electrical circuits and distribution boards.

(a) The provisions of this section shall apply to ship repairing and shipbuilding and shall not apply to shipbreaking.

(b) Before an employee is permitted to work on an electrical circuit, except when the circuit must remain energized for testing and adjusting, the circuit shall be deenergized and checked at the point at which the work is to be done to insure that it is actually deenergized. When testing or adjusting an energized circuit a rubber mat, duck board, or other suitable insulation shall be used underfoot where an insulated deck does not exist.

(c) Deenergizing the circuit shall be accomplished by opening the circuit breaker, opening the switch, or removing the fuse, whichever method is appropriate. The circuit breaker, switch, or fuse location shall be tagged to indicate that an employee is working on the circuit. Such tags shall not be removed nor the circuit energized until it it definitely determined that the work on the circuit has been completed.

(d) When work is performed immediately adjacent to an open-front energized board or in back of an energized board, the board shall be covered or some other equally safe means shall be used to prevent contact with any of the energized parts.

PART 1916 [REMOVED]

PART 1917 [REMOVED]

(Sec. 41, 44 Stat. 1444; 33 U.S.C. 941, secs. 6, 8, 84 Stat. 1593, 1599, 1600; 29 U.S.C. 655, 657; 29 CFR Part 1911)

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Part IV

Department of Health and Human Services

Food and Drug Administration

Infant Formula Quality Control Procedures

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 106

[Docket No. 80N-0025]

Infant Formula Quality Control Procedures

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is establishing quality control procedures for the manufacture of infant formulas. The purpose of these procedures is to assure that infant formulas contain the necessary nutrients at the specified levels as required by the Infant Formula Act of 1980. The final rule requires each manufacturer to establish a quality control system, but permits each manufacturer to adopt the system that is best suited to its needs. It permits manufacturers to analyze nutrients either during processing, or after processing but before the finished product is released by the manufacturer.

DATES: This final rule will become effective on July 19, 1982. Comments by May 20, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Edward Scarbrough, Bureau of Foods (HFF-204), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3117.

SUPPLEMENTARY INFORMATION: The final rule set forth below requires each infant formula manufacturer to establish a quality control system to ensure that infant formula products are properly manufactured. Each manufacturer may establish a system that is best suited to its needs. Each manufacturer is also required to establish sampling and testing criteria to ensure that each batch of infant formula contains all required nutrients before its release for distribution by the manufacturer. In general, a manufacturer is required to sample and analyze each batch of infant formula for most required nutrients. A manufacturer may do so either by sampling and analyzing each batch of finished product, or by sampling and analyzing ingredients and conducting in-process testing on each batch. Each manufacturer is further required to conduct stability testing of representative samples over an infant formula product's shelf life to confirm maintenance of nutrient content. Each manufacturer is required to conduct additional tests, which are not required in normal production, on new formulations and after major processing or formulation changes. The final rule further requires each manufacturer to code all infant formula containers and to maintain and make available to FDA investigators quality control records.

In the **Federal Register** of December 30, 1980 (45 FR 86362), FDA published a proposal to establish quality control procedures for infant formulas in accordance with the Infant Formula Act of 1980 (Pub. L. 96-359; 94 Stat. 1190) (section 412 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a) (the act)). The proposed rule specified a systematic quality control system of sampling, testing, analysis, operations control, and recordkeeping for in-process and finished formulas and proposed that manufacturers establish: (1) An acceptance protocol for ingredients that assured that they conform to specifications for composition and purity; (2) an in-process operational control program that covered ingredient addition, blending, homogenization, and standardization; and (3) a finished product evaluation system that specified sampling plans, including sites and frequency of sampling, and an analytical format that defined product release ranges at which the product may be shipped. Interested persons were initially given until March 2, 1981, to comment on the proposal. In the **Federal Register** of March 20, 1981 (46 FR 17790), the comment period was extended to May 1, 1981.

FDA received 300 letters of comment from manufacturers of infant formulas, a trade association, universities, individuals, and a U.S. Senator. Most of the comments from individuals supported the proposal. These comments emphasized that the nutritional quality of infant formulas is paramount and that regulations safeguarding infant formulas are worth any additional product cost. However, a number of individuals, the American Medical Association, the American Academy of Pediatrics, and the Infant Formula and Nutrition Organization suggested that some of the proposed testing may not be necessary to assure nutrient content or formula quality and that the burden of such tests should be reduced so that the cost of the infant formulas would not increase dramatically. The manufacturers of infant formulas contended that the cost of implementing the proposal would be excessive, product quality might be adversely affected by delays resulting from waiting for test results and evaluation, and few, if any, consumer safety benefits would accrue.

FDA has reevaluated the proposal in light of the comments. The agency believes that the proposal was unnecessarily detailed, contained some proposed requirements that are not compatible with all manufacturing systems currently in use, and would have required some unnecessary testing. FDA has revised the final rule so that it will be compatible with all manufacturing systems, removed unnecessary provisions, and eliminated unnecessary sampling and testing requirements. FDA believes that the final rule set forth below will provide assurance that infant formulas contain all required nutrients, as its testing requirements include a requirement that a manufacturer test each manufacturing batch of infant formula for required nutrients. On the other hand, FDA believes the cost of compliance with the final rule should have no perceptible effect on the retail cost of infant formula. The comments received, the changes from the proposal, and the final rule's provisions are discussed in detail below.

General Comments

1. Several comments pointed out that the proposal did not mention that the Secretary of Health and Human Services had determined, as required by section 412 (a)(2)(D) of the act, that there was a need to establish quality control procedures to assure that an infant formula provides nutrients in accordance with the act. Another comment opposed the proposal on the basis that no additional assurances of product safety or nutritional adequacy would be provided beyond that already provided under the act.

The Secretary has delegated to the Commissioner of Food and Drugs those functions vested in the Secretary under the act (21 CFR 5.10), subject to a reservation of authority concerning regulations, such as this final rule, that present highly significant public issues involving the quality, availability, marketability, or cost of one or more FDA-regulated products (21 CFR 5.11). (See 46 FR 26052; May 11, 1981.) As stated in the preamble to the proposal, the then Commissioner had determined that greater regulatory control over the formulation and processing of infant formulas is necessary to prevent new incidents such as the one that occurred in 1978 when a major manufacturer of soy protein-based infant formulas reformulated two of its products. The Secretary and present Commissioner

reaffirm that determination. The 1978 incident resulted in distribution of products containing an inadequate amount of the essential nutrient chloride. By 1979, a substantial number of cases of hypochloremic metabolic alkalosis, a serious medical condition that is most frequently characterized by the infant's failure to thrive, had been diagnosed. These cases on infant illness were found to be associated with prolonged exclusive use of the chloride-deficient soy formulas.

The legislative history of the Infant Formula Act of 1980 stressed the importance of good quality control. The report by the Senate Committee on Labor and Human Resources (S. Rept.)) No. 96–916, 96th Cong., 2d Sess., p. 5 (August 26, 1980)) pointed out that "Quality control procedures are intended to insure that the safety and nutritional potency of a formula is (sic) built into the manufacturing process." The report further stated that this authority is necessary because the absence of an effective quality control mechanism was a major factor in the production and subsequent sale of the two chloride-deficient formula products. Recent recalls of infant formulas that were deficient in vitamin B_6 as a result of a production problem also confirms the need for these quality control regulations.

In light of these considerations, FDA has concluded that, as stated in the preamble to the proposal, "A total quality control program for the manufacture of infant formulas is necessary to ensure that each batch of the formula is uniform in its composition and conforms to the requirements of section 412 of the act." The agency believes that the provisions of this final rule will provide additional assurances of product safety and nutritional adequacy and will carry out the act's intent.

2. One comment stated that the proposed regulations apparently envision a model manufacturing system that should be utilized by all formula manufacturers. The comment stated that products are different, that manufacturing systems and facilities are different, and that manufacturing systems today may differ from those of the future. The comment further stated that the regulations should allow manufacturers to utilize a variety of manufacturing and control systems to meet the regulatory requirements. Other comments indicated that the proposal's extreme detail is unnecessary, would place an undue burden on industry, and would have a significant adverse economic impact without resulting in better infant formulas. Some comments suggested that the extensive in-process testing contemplated by the proposal would delay final packaging with consequent risk of microbiological growth and deterioration of nutrients by oxidative processes, thereby reducing the probability that the final product would have the desired composition. The American Medical Association and the American Academy of Pediatrics expressed concern that the proposed regulations would result in the withdrawal of limited-market special formulas for infants with special needs, and that there would be a substantial across-the-board price increase for all formulas, which may cause parents to turn to less nutritionally adequate infant feeding practices. They urged that the final rule be cost effective.

In light of the numerous comments indicating that the proposal is too inflexible and does not accommodate all methods of manufacturing, the final rule incorporates a number of changes from the proposal that make the regulations more cost effective and more flexible. Later paragraphs in this preamble describe the changes from the proposal that were made in this final rule. These changes should accommodate current infant formula manufacturing procedures as well as future technological advances while still assuring that products will comply with the Infant Formula Act of 1980.

3. Several comments stated that the proposed regulations should describe "what" particular requirements are necessary, but not "how" they should be achieved. These comments said that the proposal is essentially a manufacturing order that specifies when manufacturing steps may take place, how to test the quality of infant formulas, and when tests must be conducted; whereas, it should only address in general terms what procedures are necessary.

The agency agrees that the proposal was too specific in some instances. Therefore, the final rule stresses objectives without specifying in detail how they should be achieved.

4. A number of comments urged FDA to publish a revised proposal for additional comment before a final regulation is promulgated.

FDA has decided to publish a final rule. As a matter of public policy, FDA does not believe that the delay that would result from publishing a revised proposal is warranted. The legislative history of the Infant Formula Act of 1980 states that "[t]he [Senate Committee on Labor and Human Resources] expects the Secretary to move expeditiously in proposing, promulgating, and establishing quality control procedures for the manufacturing of infant formula." (S. Rep. No. 96–916, 96th Cong., 2d Sess., p. 6 (August 26, 1980).) FDA believes that the publication of a final rule is consistent with that expressed Congressional intent and will promote the public health.

Additionally, FDA is not legally required to publish a revised proposal. Both the proposal and the final rule have the same goal—ensuring that infant formula products contain the correct amounts of all required nutrients. The final rule is "in character with the original scheme" (*South Terminal Corp.* v. *EPA*, 504 F.2d 646, 658 (1st Cir. 1974)); the changes made are "logical outgrowths" of the comments received in response to the proposal (*AFL–CIO* v. *Marshall*, 617 F.2d 636, 676 (D.C. Cir. 1979)). Thus, FDA concludes that a revised proposal is not necessary because it has provided the public "a reasonable and meaningful opportunity to participate in the rulemaking process." *McCulloch Gas Processing Corp.* v. *Department of Energy*, 650 F.2d 1216, 1221 (Em. Appl. 1981).

Although FDA is publishing a final rule, it is providing a comment period. If FDA decides on a basis of the comments received that any changes to the final rule are necessary, it will publish those changes in the **Federal Register**.

5. Several comments said that the implementation date of 180 days after the date the final rule is published is not reasonable. The comments contended that it would take 2 to 4 years to construct the necessary facilities, install equipment, develop systems, and hire and train personnel required to comply with the proposed regulation.

FDA believes that the final rule should become effectively as soon as reasonably possible to assure the quality of infant formula products. FDA advises that the final rule will not require many of the changes that the comments envisioned. Therefore, FDA concludes that a 90-day implementation date is reasonable; however, an extension will be considered if a firm provides convincing evidence that it cannot meet the 90-day time frame.

6. One comment asked whether products prepared from raw materials shipped in interstate commerce before the effective date of the final rule will be covered by the rule if placed in interstate commerce after the effective date. The comment also suggested that the final rule apply only to infant formulas manufactured after the effective date of the final rule.

FDA advises that products prepared from raw materials shipped in interstate

commerce before the effective date of the final rule would be subject to the regulations only if initially introduced or initially delivered for introduction in interstate commerce on or after that effective date. Thus the important date is the date the finished product is initially introduced or initially delivered for introduction in interstate commerce, not the date the raw materials were shipped or the date of manufacture.

7. Several comments stated that FDA had exceeded its authority in proposing a number of regulatory provisions (e.g., compliance with label claims, physical stability of formulas, and in-process testing) as part of the quality control procedures. The comments stated that the authority to enact regulations is limited to that authority necessary to establish regulations to assure that an infant formula provides nutrients in accordance with section 412(a)(2)(D) of the act.

FDA has the authority under section 412(a)(2)(D) of the act to establish quality control procedures to assure that the proper nutrients are present. These procedures must necessarily encompass in-process testing, the evaluation of finished product, the receipt of ingredients, and similar activities. For the reasons discussed in items 50 and 64 below, FDA has eliminated the proposed requirement regarding label claims and has reduced the amount of required testing for physical properties of formulas in the final rule.

8. One comment opposed government regulation of infant formulas.

By passing the Infant Formula Act of 1980, Congress decided that additional regulation of infant formulas is necessary to protect the public health.

9. One comment suggested that the agency establish standards for stability testing as the basis for expiration dating.

The agency advises that those standards are unnecessary because § 106.30(b)(3) (21 CFR 106.30(b)(3)) requires that samples be analyzed with sufficient frequency during the shelf life of the product to substantiate the maintenance of nutrient content required by section 412(g) of the act. The agency believes that the information obtained from these analyses will be sufficient for a manufacturer to establish properly its own procedures concerning the stability of the product and to determine the expiration date to be placed on the final product package.

10. One manufacturer stated that it has a number of quality control procedures that do not involve finished product analysis, but that still accomplish quality control objectives. The manufacturer said that the proposal fails to accommodate bench research work on the behavior of nutrients, engineering equipment studies that verify nutrient distribution, use of nutrient data bases to project nutrient levels in the finished product, and use of pilot plant facilities, which simulate commercial manufacturing conditions, in determining the effects of certain process and formulation changes.

The final rule does not inhibit research on infant formulas or the use of pilot plant facilities in determining the effects of process and formulation changes. These studies may progress in a manner chosen by the manufacturer or researcher.

11. One comment suggested that the manufacturers be required to maintain and review records of user complaints, investigations, and followups.

The agency advises that a requirement for the maintenance of complaint files is outside the scope of this rulemaking.

12. Two comments suggested that the agency require analytical proof that infant formulas meet their label claims.

The agency believes that such a requirement is unnecessary. FDA already has access to a manufacturer's nutrient testing results. Under section 704(a)(3) of the act (21 U.S.C. 374(a)(3)), FDA has the authority to review the results of testing done by the manufacturer for the purpose of complying with the Infant Formula Act of 1980. Such test results include those that pertain to nutrient levels, as required by the final rule. Additionally, a food whose label bears false or misleading claims is deemed to be misbranded under section 403(a) of the act (21 U.S.C. 343(a)).

13. One comment suggested that the regulations be strengthened by specifying steps to be taken by the agency in monitoring compliance by the manufacturer.

The agency believes that the notification requirements in Subpart D (§ 106.120 (21 CFR 106.120)) are sufficient to provide reasonable assurance that the product is adequately formulated. In addition, FDA investigators make plant visits and will have access to records required to be maintained by § 106.100 (a). Therefore, FDA concludes that further monitoring requirements are unnecessary.

14. One comment stated that FDA's quality control regulations should be sufficiently broad to provide reasonable assurance that what must be in the formula is present and what should not be in the formula is not inadvertently introduced. The comment recommended that the final regulations place greater emphasis on identifying types of activities that must be performed by the manufacturer, and that it provide the manufacturer with the flexibility to develop an appropriate quality control system for each type of infant formula. The comment suggested that FDA provide a mechanism for granting an exemption or variance from a particular requirement in those instances in which a manufacturer may have an equally effective but less costly alternative.

The agency believes that the final rule, together with the procedures described in the current good manufacturing practice (CGMP) regulations that apply to infant formulas (21 CFR Parts 110 and 113), are sufficient to provide assurance of the safety and nutritional adequacy of infant formulas. Because of the flexibility inherent in the final rule and the CGMP regulations, a mechanism for granting exemptions or variances is unnecessary. These procedures start with the receipt of ingredients and continue through the processing of the final product. Evaluation of the final product continues throughout its shelf life.

15. One comment also recommended that the regulations reference all CGMP regulations and require manufacturers to comply with them.

Because infant formula manufacturers already are required to comply with applicable CGMP regulations, it is unnecessary either to refer to them or to state that manufacturers must comply with them.

16. One comment suggested that a list of the required nutrients be published in the final regulations.

The agency advises that listing of required nutrients is outside the scope of this rulemaking. The list of required nutrients appears in section 412(g) of the act, which authorizes the Secretary to revise the list by promulgating regulations. If FDA identifies necessary changes in the nutrient list, it will initiate a separate rulemaking.

17. One comment stated that FDA should establish requirements for in-process test methods and procedures, such as maximum times and temperatures during various processing stages, and that FDA should require validation of such procedures. The comment further suggested that FDA require a quality assurance review every 6 months by a responsible official of the manufacturer of all information on the master formula record and each of the batch records processed therefrom.

The final rule requires each infant formula manufacturer to have a quality control system. FDA recognizes that because manufacturing processes, practices, and equipment vary, no single type of system would be appropriate for

all manufacturers. Therefore, the final rule does not require any particular provisions in the quality control system. A manufacturer may establish any reasonable system. In addition, § 106.20 (21 CFR 106.20) requires ingredient composition review, § 106.25 (21 CFR 106.25) requires verification of in-process control records, and § 106.30 (21 CFR 106.30) requires finished product compliance. FDA concludes that these controls are adequate and that it is unnecessary to require additional test methods and procedures or to have records reconfirmed on a 6-month basis.

18. One comment suggested that FDA should require that all process water used in manufacturing, final rinsing of equipment, and similar procedures meet the requirements in the United States Pharmacopeia (U.S.P.) for purified water. The comment also suggested that FDA should require validation of water quality whenever any change in the water source occurs.

The agency agrees that a suitable source of potable water must be used in the manufacture of infant formulas, but believes that no requirement for the use of U.S.P. quality water is necessary. Section 110.35(a) (21 CFR 110.35(a)) of the CGMP regulations for human food requires that the water supply be sufficient for the operations intended and be derived from an adequate source. It also requires that any water that contacts food or food-contact surfaces be safe and of adequate sanitary quality. Thus the CGMP regulations provide sufficient assurance that proper water is used in the manufacture of infant formulas.

19. One comment stated that the agency had not analyzed the probable significant adverse effects on the human environment the regulation would have if promulgated as proposed.

As discussed at the end of this preamble, FDA has analyzed the environmental effects of this final rule in accordance with 21 CFR Part 25 and has concluded that it will not have a significant effect on the human environment. An environmental assessment has been prepared and is on file with the Dockets Management Branch, Food and Drug Administration.

20. Several comments said that FDA's analysis of the economic effects of the proposal, done in accordance with Executive Order 12044, as amended by Executive Order 12291, was inadequate and that FDA should reanalyze the economic effects in accordance with Executive Order 12291.

FDA has reevaluated the economic effects of this final rule in the light of the requirements of Executive Order 12291, and the agency has concluded that there will not be a major economic impact. A copy of the economic analysis is on file with the Dockets Management Branch, Food and Drug Administration.

21. One comment requested that the agency establish a policy concerning "special formulas." Section 412(f)(1) of the act provides that the Secretary may by regulation establish terms and conditions for exempting an infant formula from various requirements of the act, including the quality control requirements set forth in this final rule. The comment further stated that articulation of an exemption policy consistent with the terms of the Infant Formula Act of 1980 need not be delayed by this rulemaking activity.

The agency is considering publishing a proposed regulation for "special formulas" that would prescribe certain labeling and testing requirements. The agency advises that, in the absence of such a regulation, it promptly responds on a case-by-case basis to requests by manufacturers for exemptions for special formulas. These responses are not being delayed by this rulemaking activity.

22. Several comments suggested the need for standards for clinical testing of all infant formulas. The comments further suggested that clinical testing should be required after changes in formulation.

The agency recognizes that clinical testing of new formulas and some significantly changed formulas is being conducted. However, at present there are no definitive standards for this type of clinical evaluation. In the preamble to the proposal, FDA solicited public comment on the need for establishing a policy or regulation on clinical testing of infant formulas. However, the comments received provided no specific suggestions. Neither the Committee on Nutrition of the American Academy of Pediatrics nor the infant formula industry provided explicit suggestions for defining standards for clinical testing. Therefore, FDA will defer consideration of clinical testing until pertinent public health considerations have been clarified.

23. One comment pointed out that the proposal did not address section 7(c) of the Infant Formula Act of 1980, which states in part that the Secretary of Health and Human Services must conduct a review of issues concerning the export of infant formulas, including recommendations regarding appropriate legislative or administrative action to improve current export policies.

The Secretary has conducted the required review, the results of which have been reported to the appropriate congressional committees as required by section 7(c) of the Infant Formula Act of 1980. A copy of that report may be obtained by writing to the Dockets Management Branch (address above). The requirements of section 7(c) of the Infant Formula Act of 1980 are outside the scope of this rulemaking.

Status and Applicability of the Quality Control Procedures Regulation

24. One comment suggested the addition of a section on "scope" which would describe the purpose of the quality control procedures, set forth the agency's expectation as to how each manufacturer should develop and implement a quality control system, and describe how each manufacturer should implement a periodic independent audit system to assure that its quality control system is operating properly.

FDA believes that the "scope" of the regulations is adequately described in the preamble to the proposal and need not be a part of the regulations. The agency agrees that each manufacturer should be required to develop and implement a quality control system for the manufacture of each infant formula. FDA is providing for these systems in §§ 106.25 and 106.30. The agency advises that an audit system is an integral part of that quality control system. A manufacturer may use any appropriate audit system.

25. Several comments requested that § 106.1(a) (21 CFR 106.1(a)) be clarified so that the infant formula, not the "controls" used in the processing of an infant formula, must meet the requirements of section 412 of the act.

The agency agrees and has revised § 106.1(a) to reflect the requested change.

26. A number of comments objected to the provision that failure to comply with the coding and recordkeeping requirements would render an infant formula adulterated.

The agency points out that one purpose of the Infant Formula Act of 1980 is to facilitate a manufacturer's withdrawal from the marketplace of contaminated or suspect infant formula products. Another purpose is to improve FDA's ability to monitor the withdrawal. FDA published a proposal to prescribe the scope and extent of recalls of infant formulas in the **Federal Register** of January 15, 1982 (47 FR 2331). Coding and distribution records make it easier for FDA, the manufacturer, and the consumer to locate lots that may be adulterated. Therefore, reference to the coding and recordkeeping requirements (§§ 106.90 and 106.100 (21 CFR 106.90 and 106.100)) is included in § 106.1(b).

27. One comment requested that § 106.1(d) be clarified so that subcontractors engaging in some of the operations subject to these regulations understand that they need comply only with those provisions applicable to their operations. Another comment from a copacker (a firm that manufactures and/or package another firm's product) requested that all responsibility for compliance be placed on the primary manufacturer, and that the primary manufacturer and the copacker be allowed to decide by contract what each party's compliance responsibilities will be.

FDA advises that a manufacturer, as defined in § 106.3(c) (21 CFR 106.3(c)) (proposed as § 106.3(e)), includes a subcontractor if that person prepares, reconstitutes, or otherwise changes the physical or chemical characteristics of an infant formula, or packages the product in a container for distribution. Under that definition, a copacker is a manufacturer. Therefore, copackers are required to comply with the regulations to the extent that they are applicable to their operation. Moreover, public policy considerations dictate that a manufacturer should not be allowed to avoid by contract its obligations under the act. *United States* v. *Parfait Powder Puff Co.*, 163 F. 2d 1008 (7th Cir. 1947), *cert. denied*, 332 U.S. 851 (1948).

Deletion of Unnecessary Provisions

28. FDA has deleted from the final rule proposed § 106.1 (c) and (d) because these provisions are unnecessary. Proposed § 106.1(c) stated that, "The requirements set forth in this part are to be implemented and followed by any person who is a manufacturer of an infant formula." Proposed § 106.1(d) stated that, "If a person engages in only some operations subject to the regulations in this part and not others, that person need only comply with those regulations applicable to the operations in which he or she is engaged."

FDA believes that although the principles stated in these provisions are correct, they do not need to be stated in the final rule.

Definitions

29. One comment suggested inclusion of definitions of "lot" and "standardization."

Because the words "lot" and "standardization" are not used in the final rule, no definitions of the words are necessary.

30. Several comments criticized the proposed definition of "filling batch," proposed in § 106.3(a).

Because the term "filling batch" is not used in the final rule, this term is not defined in the final rule.

31. Several comments stated that the proposed rule confuses "ingredient" and "nutrient" and requested that the definitions of "ingredients" and "nutrient premix" be changed to distinguish between "ingredients" and "nutrients."

In the interest of clarity, the agency has revised the definition of "nutrient premix" (§ 106.3(g)). Because of that revision, a definition of "ingredients," proposed as § 106.3(b), is no longer necessary.

32. Several comments stated that the definition of "indicator nutrient" is not the appropriate place for referring to the processing stages at which tests are conducted. The comments also stated that it is not the function of an indicator nutrient to measure labile nutrients during production.

The agency agrees with both comments and has revised the definition of "indicator nutrient" in § 106.3(a) (proposed as § 106.3(c)) accordingly.

33. Several comments suggested a broader definition of "in-process batch" because the proposed definition applies to a specific process. One comment recommended that the proposed definition be removed because it cannot apply to all common manufacturing practices.

The agency agrees with the comments and has revised the definition of "in-process batch" in § 106.3(b) (proposed as § 106.3(d)) so that it will apply to all common manufacturing practices.

34. Several comments suggested that the definition of "nutrient" be expanded to include nutrients that might be required as the result of regulations promulgated under section 412(a)(2)(A) of the act.

The agency agrees with the comments and has revised the definition of "nutrient" in § 106.3(d) (proposed as § 106.3(f)) accordingly.

Ingredients

35. Several comments suggested that proposed § 106.20(a) is unduly restrictive in that it might require destruction of good raw materials. The comments suggested that, because the fitness of the ingredients is the important consideration, improperly labeled ingredients need not be automatically rejected, provided assurance that the article is fit for use can be provided. The comments suggested that such an assurance could be provided by either a manufacturer analysis or a shipment-specific supplier guarantee or certification of compliance with manufacturer specifications.

The agency agrees. It has reevaluated proposed § 106.20(a) and has concluded that it is unnecessary. A manufacturer may handle raw materials in any reasonable manner.

36. One comment suggested that a manufacturer should not be permitted to accept supplier guaranteed or certified ingredients until after they have been tested in accordance with an appropriate sampling technique.

The agency believes that the manufacturer must have adequate control over the quality of ingredients used in the manufacture of infant formulas. If the supplier guarantees or certifies in writing that it has sampled and analyzed each lot of nutrient premix for each relied-upon nutrient, the nutrient premix is of "known" quality and need not be retested after a manufacturer's acceptance. The manufacturer is required to sample and analyze all other nutrient premixes received from a supplier.

37. Several comments questioned the proposal's assumption that nutrient premixes are less apt to be pure and composed properly than other ingredients and as such cannot be accepted on the basis of a supplier's guarantee or on the basis of labeling stating compliance with applicable specifications.

The agency agrees with the thrust of the comments and has revised § 106.20 to permit nutrient premixes to be used in manufacturing without further sampling and analysis if the supplier certifies in writing that it has sampled and analyzed each lot of nutrient premix for each relied-upon nutrient. It has eliminated proposed § 106.20(d).

38. Several comments suggested that the proposed requirements concerning nutrients likely to be affected by shipping or storage conditions are not applicable to all systems. The comments also suggested that an ingredient be sampled and analyzed only for relied-upon nutrients rather than all nutrients. The comments said that an ingredient could contain a nutrient on which the manufacturer does not depend in order to comply with section 412(g) of the act.

The agency agrees with the comments and has revised § 106.20(b)(1) (proposed as § 106.20(c)) accordingly.

39. Several comments recommended that the requirements in § 106.20(d) be made more flexible by allowing either the supplier or the manufacturer to sample and analyze nutrient premixes.

The agency agrees with the comments and has revised § 106.20(a) and (b)(2) accordingly.

40. Several comments recommended that FDA permit analytical methods

other than those in the "Official Methods of Analysis of the Association of Official Analytical Chemists" (AOAC) in proposed § 106.20(e).

The agency agrees with the comments and has revised § 106.20(b)(1) to allow the use of any validated analytical method.

41. Several comments stated that each lot of certain food commodity items that are received in bulk shipments of many lots should not have to be individually tested because testing each lot would be of no practical benefit.

The agency agrees that whenever a bulk shipment is required to be sampled and analyzed by the manufacturer, sampling and testing of the shipment as a whole is sufficient. Section 106.20(b)(2) (proposed as § 106.20(e)) is changed to eliminate the requirement that each lot of a bulk shipment be analyzed.

42. One comment stated that some formulas are unique and that alternate testing procedures, other than those permitted by the proposal, are imperative to provide an assurance of safety and protection to the consumer.

The agency agrees that infant formulas vary in composition and manufacturing techniques and that some manufacturing techniques are not amenable to in-process testing. Additionally, the agency believes that the manufacturer can assure that all nutrients are present in the finished product without testing every lot for every nutrient. Therefore, FDA is providing alternative ways in which a manufacturer may test an infant formula product. In general, if a manufacturer analyzes each batch of finished product for all nutrients, neither ingredient testing nor in-process testing is required. Alternatively, a manufacturer may utilize a combination of in-process testing and ingredient testing to assure that all required nutrients are present in the formula product.

The final rule provides two exceptions to this testing scheme. First, a manufacturer need not analyze for nutrients that are added as part of a certified or guaranteed premix, so long as the manufacturer confirms the addition of the premix by analyzing for an indicator nutrient. A manufacturer may perform such analysis either in-process or during immediate analysis on the finished product.

Second, as stated in the preamble to the proposal, FDA believes that analyses for linoleic acid, vitamin D, vitamin K, choline, inositol, and biotin are required less frequently than analyses for other nutrients. There are no documented cases of deficiencies in normal infants of biotin, choline, and inositol. Vitamins D and K are well retained in the human body; vitamin D also is highly stable in infant formulas, while vitamin K intake in infants other than newborns is usually augmented by intestinal bacterial production of this vitamin. The vegetable oils now used as fat sources for infant formulas are rich in linoleic acid. Moreover, analyses for those nutrients are time consuming and expensive. Therefore, the final rule requires a manufacturer to analyze for these nutrients only every 3 months.

43. Several comments suggested that it is not practical to reject raw materials for minor variance in a noncritical specification and suggested that § 106.20(f) be changed to clarify how ingredients that are unfit for use may be handled before disposition. One comment suggested quarantine of the rejected material pending disposition.

The agency has reevaluated proposed § 106.20(f) and has concluded that it is unnecessary. A manufacturer may handle and dispose of rejected raw materials in any reasonable manner. Therefore, proposed § 106.20(f) is not included in the final rule.

44. FDA believes that the nutrient composition of ingredients that are generally used as sources of protein and fat in the manufacture of infant formula does not vary to any significant extent between shipments. Therefore, FDA has revised § 106.20(b)(2) (proposed as § 106.20(e)) to provide that ingredients used as major fat or protein sources need not be analyzed for each relied-upon nutrient provided the manufacturer has records to show that levels of nutrients are reasonably constant.

In-Process Control

45. Several comments suggested that the agency require that a responsible individual in each manufacturer's quality control unit prepare, review, sign, and date master manufacturing orders. The comments also suggested that computer programs be allowed and that provisions be made for manufacturing infant formulas in closed systems. One comment suggested that a system of checks and balances be set up to reduce the possibility that a significant change could be authorized without proper approval.

The agency has changed § 106.25(a) to require that a manufacturer have a quality control system that assures and verifies the addition of each ingredient. The agency believes, however, that the manufacturer should have the flexibility to develop the system that is most suitable. The comments describe several approaches that manufacturers might consider in developing a quality control system.

46. One comment suggested that the results of any analyses performed under proposed § 106.25(a), (b), and (c) be retained for the shelf life of the product.

FDA advises that § 106.100(b) requires that quality control records be kept and maintained for a period of time that exceeds the shelf life of the product by 1 year, for the reasons given in item 70 below.

47. Several comments recommended removing proposed § 106.25(b), (c), and (d), because the use of a base blend is not the only acceptable method used to manufacture infant formulas and because it is not always possible to sample accurately a base blend for analysis of its components. One comment from a manufacturer stated that the analysis of nutrients at the holding tank is not practical, as it would result in extended holding periods during which nutrient losses might result. Another comment questioned whether some of the in-process testing procedures are necessary, as these tests might result in the consumer paying more for formulas without deriving any useful benefit.

The agency agrees with the comments and has not included paragraphs (b), (c), and (d) of proposed § 106.25 in the final rule.

48. One comment questioned whether all the tests proposed in § 106.25(e) (§ 106.25(b) of the final rule) are necessary and whether harmful delays in processing could occur while all testing results are being obtained. Several other comments suggested that delays introduced by the proposed testing might result in an increased loss of label nutrients. One comment suggested removing proposed § 106.25(e) because this paragraph specifies use of a process that cannot be used in some existing processing equipment systems.

The agency agrees that the proposed requirements may not be universally applicable and may result in undesirable delays. FDA does not agree, however, that the proposed requirements should be removed, but rather has revised § 106.25(b) to make this paragraph applicable to all processes, and to reduce the number of tests required and the amount of delay that may result from the requirements.

49. Several comments stated that analyses for nutrients added independently of premixes during formulation should not be required unless they are subject to process damage and that these analyses can best be done on the finished product.

The agency advises that because of the potential public health risks associated with inappropriate levels of

specific nutrients, it is necessary to assure that all required nutrients have been added properly. Analyses for these nutrients may at a manufacturer's option be done either during processing or on the finished product before the product is released for marketing. Therefore, the requirement that, unless each batch of finished product is analyzed, each in-process batch must be analyzed for each nutrient (except for linoleic acid, vitamin D, vitamin K, choline, inositol, and biotin) added independently of premixes is retained in § 106.25(b).

50. Several comments suggested that the requirements for testing for homogeneity, osmolality, and sedimentation be removed from proposed §§ 106.25(e)(1), 106.30(b) (1) and (2), and (c), because homogeneity and sedimentation relate to the physical "elegance" of the product and are not related to the nutrient quality, and because osmolality, a measure of total molecules and ions in solution, is not subject to error unless the composition is grossly in error, which would readily be detected by other more sensitive tests.

The agency agrees that these tests need not be made during in-process testing or regular finished product evaluation. However, the agency believes that osmolality should be measured in new formulations and after major changes in formulation to assure that an electrolyte imbalance has not occurred. Section 106.30(c)(2) includes this requirement.

FDA has added a new § 106.25(b)(5) to require the manufacturer to confirm that the proper final dilution of the formula is made in those systems in which the final dilution of the product occurs after other analyses are completed. Without such a requirement improperly diluted formula could be released inadvertently for distribution because a manufacturer would not be required to conduct any further analyses that could detect improper dilution.

51. One comment suggested removing § 106.25(f) because not all manufacturing processes conform to the scheme proposed and because the paragraph is not necessary to achieve good control. Some comments stated that the term "filling specifications" should be used instead of "specifications" to clarify that the only specifications necessary are those regarding filling. These comments also suggested that a batch could be rejected rather than adjusted and reanalyzed.

The agency believes that this paragraph is not needed and has not included proposed § 106.25(f) in the final rule.

52. One comment suggested that a designated individual have the responsibility to authorize in writing the release of the formula.

FDA advises that a designated individual should have such responsibility under the quality control system that the manufacturer is required to have.

Finished Product Evaluation

53. Some comments pointed out that the intent of proposed § 106.30(a) was to assure that samples taken are truly representative of the batch and that the paragraph would not apply to all processes currently being used. The comments suggested that, because the aim of the regulations is to assure that the finished product provides the necessary nutrients in accordance with section 412(g) of the act, the paragraph be reworded to emphasize this goal and to allow for variation in the manufacturing procedures that manufacturers have devised to meet this goal.

The agency agrees that representative samples must be taken. Because § 106.30(b) (1), (2), and (3) of the final rule now require that representative samples be analyzed, proposed § 106.30(a) is not needed and is not included in the final rule.

54. Several comments objected to the excessive number of samples required to be taken and tested by proposed § 106.30(b)(1).

The agency agrees that the number of samples proposed for testing may have been excessive and has revised § 106.30(b)(1) to require that representative samples from each batch of finished product be analyzed.

55. One comment stated that manufacturers should be required to retain reserve samples of the packaged finished product and evaluate them on a periodic basis. The comment also stated that proposed § 106.30(a) should be revised to require testing of random samples to assure that the formula meets the manufacturing order approved in § 106.25(a).

The agency advises that such periodic sampling and testing requirements were provided for in proposed § 106.30(b). For the reasons discussed in items 53 and 54 above, FDA has revised the sampling and testing requirements in the final rule. The agency further advises that the important consideration is whether the formula contains all required nutrients, not whether it complies with the manufacturing order. Accordingly, no requirement for testing to assure compliance with the manufacturing order is needed.

56. Several comments recommended that references to specific vitamins not be included in § 106.30(b)(1), because such specific analyses are not applicable to all current manufacturing processes, and that the manufacturer be allowed to determine which vitamins are appropriately analyzed in determining whether process damage has occurred.

The agency agrees and has not included the list of examples in the final rule.

57. Several comments recommended that the requirement in proposed § 106.30(b)(2) for analyzing the product from every 10th filling batch or at semi-monthly intervals be changed to a requirement for analyzing the product at least once every 3 months to be consistent with the reporting requirements of the act. The comments also recommended removing the proposed requirement for testing for reducing sugars, as this analysis does not yield significant information and bears no relationship to compliance with section 412(g) of the act. The comments further recommended removing the reference to label claims.

The agency agrees with the comments and has revised § 106.30(b)(2) accordingly. In addition, the agency has changed the title of this paragraph to "periodic analysis" to reflect more accurately the revised requirements. Also, a manufacturer is not required to conduct any analysis under this provision when all nutrients are determined in the immediate analysis. Because section 412(g) of the act specifies niacin as a required nutrient, the agency has eliminated the proposed option of including tryptophan/niacin equivalents.

58. Two comments suggested that an extended testing program, all nutrients not tested in the immediate analysis, including linoleic acid, vitamin D, vitamin K, choline, inositol, and biotin, should be checked to assure that the processing system is functioning properly. Therefore, the comments suggested that § 106.30(b)(2) require analysis for all nutrients not tested in the immediate anyalsis.

The agency agrees with these comments and has revised § 106.30(b)(2) to require that the testing for all nutrients not tested in the immediate analysis, including linoleic acid, vitamin D, vitamin K, choline, inositol, and biotin, must always be done in the periodic analysis.

59. One comment suggested changing the paragraph heading for § 106.30(b)(3) from "progressive analysis" to "stability testing".

The agency agrees with the comment and has changed the paragraph heading accordingly.

60. Several comments suggested that manufacturers be permitted to determine the frequency of stability analyses based on scientific data and experience, as long as at least two batches per year of each product are analyzed. The comments also stated that repeated testing of nutrients that are not subject to degradation over time is duplicative and unnecessary.

The agency agrees with the comments and has revised § 106.30(b)(3) accordingly.

61. One comment suggested that stability testing be required only for storage-sensitive nutrients for new formulation and for any significant manufacturing or formulation changes.

The agency concludes that stability tests are essential to maintain good quality control procedures, and that stability tests on only new or reformulated products would not be an adequate quality control procedure. Therefore, FDA is requiring stability testing of all finished products in § 106.30(b)(3).

62. Some comments suggested that, given the imprecision and expense of the rat bioassay for vitamin D and the availability of new analytical methods for that vitamin, it would be more reasonable to require the bioassay only once for each new formulation rather than once every 6 months as proposed in § 106.30(b)(3).

The agency agrees. Although methods other than the bioassay method provide valid information on levels of vitamins D_2 and D_3, possible adverse changes in the physiological potency of vitamin D compounds due to processing may not be detected by such analytical methods, but would be determined by the bioassay method. Hence, the requirement that vitamin D be determined by the Association of Official Analytical Chemists (AOAC) bioassay method of analysis is retained, but such analysis is required only for new formulations and reformulated products undergoing major changes in processing procedures or ingredients.

The agency has revised § 106.30(b)(3) so that any valid method may be used for the determination of vitamin D in regular production. It has revised § 106.30(c)(2) (proposed as § 106.30(e)(2)) to require the AOAC bioassay for vitamin D for the initial analysis of each new formulation and major reformulation. However, the manufacturer may release the formula for distribution while awaiting results from vitamin D bioassay provided the bioassay has been initiated, and another analysis for vitamin D has been conducted by a suitable method. If the results of the bioassay indicate that the vitamin D is unsatisfactory, the product will have to be removed from the market. Subsequent annual analyses made throughout the expected shelf life of the product may be made using any suitable method.

63. Several comments stated that the AOAC protein efficiency ratio (PER) method is neither suited nor necessary for use in a quality control procedure. These comments also noted that the official AOAC assay for PER would not give valid results for infant formula unless the procedure is modified, because the fat and lactose requirements of the official method are not consistent with the type of fat and the concentrations of lactose and fat required for infant formulas. These comments stated that strict adherence to the AOAC procedure could result in inappropriate rejection of formulas. Some comments said that the requirement for testing PER every 6 months is arbitrary and excessive.

The agency agrees that the determination of PER is not necessary as a quality control procedure in regular production. The agency recognizes that a bioassay for protein quality is time consuming and costly. However, the agency advises that there are valid public health reasons for requiring checks on protein quality of infant formulas. Adverse changes in the biological availability of amimo acids can occur during processing or storage. A decrease in biological value of the protein would not be detected by chemical analysis. Thus, the requirement for a bioassay in new formulations and in products in which major changes have occurred is necessary to assure that protein quality is maintained. Because the agency recognizes that modifications need to be made in the official AOAC PER method for many foods, including infant formulas, the agency will allow the biological quality of protein to be determined by any appropriate modification of the AOAC bioassay method of anlaysis. Therefore, revised § 106.30(b)(3) does not include a requirement for the determination of PER in regular production. The agency has revised § 106.30(c)(2) to require a bioassay for the biological quality of the protein in each new formulation, and after each change in ingredients or processes that may have a significant adverse effect on protein quality. Additional samples from the same batch are to be analyzed by the same method annually throughout the expected shelf life of the product. However, the manufacturer may release the formula for distribution while awaiting results from bioassay for protein quality provided the bioassay has been initiated, and another analysis for protein quality has been conducted by a suitable method. If the results of the bioassay indicate that the protein quality is unsatisfactory, the product will have to be removed from the market.

64. Several comments recommended removing the references in § 106.30 to label claims. The comments argued that a product that does not conform to its label claims already is misbranded under the act.

The agency agrees with the comments and has revised § 106.30(a) (proposed as § 106.30(c)) accordingly.

65. Several comments recommended removing all or part of proposed § 106.30(d) pertaining to statistical quality control criteria. The comments stated that paragraph (d) involves the misapplication of statistical techniques to manufacturing principles and would result in the establishment of inconsistent requirements for different manufacturers.

The agency agrees with the comments and believes that the manufacturer should be allowed to establish the quality control system necessary to ensure that the infant formulas contain the proper levels of nutrients. Therefore, proposed § 106.30(d) is not included in the final rule.

66. One comment suggested that all subparagraphs in § 106.30(e) be consolidated because it is unproductive and unduly restrictive to try to anticipate and identify all possible changes as either major or minor. One comment recommended that § 106.30(e)(1) be removed because requirements for analyses to evaluate the effect of minor changes in ingredients or processing conditions have no relevance to the nutrient requirements of the act and seem unnecessary. Several comments suggested that greater clarity is needed to identify major and minor changes.

The agency does not agree that the distinction between major and minor changes should be eliminated or that proposed § 106.30(e)(1) should be removed. If the changes in a formula or its processing are minor, the tests required are substantially different than those required for major changes. The different evaluation procedures to be used for minor and major changes in infant formulas are therefore retained in § 106.30(c) (proposed as § 106.30(e)). Major changes are new formulations, or changes in ingredients or processes

where experience or theory would predict a possible significant adverse impact on levels of nutrients or nutrient availability. Minor changes are changes in ingredients or processes where experience or theory would not predict a possible significant adverse impact on the nutrient levels or nutrient availability. In the interest of clarity, the agency has revised § 106.30(d) to state that a simple adjustment in the level of an ingredient to accommodate inconsistencies in processing is considered to be neither a major nor a minor change.

67. Several comments said that proposed § 106.30(e) is unreasonable if it means that no product can be shipped until 10 filling batches have been analyzed, because this would result in huge expenditures for additional warehouse space and carrying costs. The comments also stated that for small volume products, 10 filling batches may not be manufactured over the course of a year or more.

The agency agrees with the comments and has revised § 106.30(c) (proposed § 106.30(e)) accordingly. The agency advises that it intended that the proposal's requirements for nutrient testing after major changes in formulation or processing would also apply to new formulations. Because that intention may not be clear, the phrase "new formulations" is added to this section.

Coding

68. Several comments suggested that the coding requirements of the low-acid canned foods CGMP regulations (21 CFR Part 113) be applied to all infant formulas regardless of whether the product is a low-acid canned food. The comments stated that all infant formulas are currently so coded.

The agency agrees with the comments and has revised § 106.90 accordingly.

Records

69. Several comments suggested that the recordkeeping requirements should only apply to records that FDA can require under section 412 of the act, and should not apply to records that pertain to other regulatory provisions.

The agency agrees that the recordkeeping requirements in this regulation should be limited to those required under section 412 of the act, including those regulations promulgated under section 412(a)(2)(A) of the act. Therefore, it has revised proposed § 106.100(a) and (b), redesignated as § 106.100(a).

70. One comment suggested that the records be maintained for 3 months beyond the expiration date stated on the label, instead of only for the product's shelf life.

The agency agrees that it is necessary to keep records beyond the expiration date of the product in order to have information available in case of infant illness or an infant's failure to thrive, but considers 3 months after the end of the shelf life of the product an insufficient time to maintain the records. The agency and the public health community may not learn of an illness for a period of time after the expiration of the shelf life. Therefore, § 106.100(b) (proposed as § 106.100(c)) requires that the records be maintained for 1 year beyond the shelf life of the product.

71. One comment suggested that the records required to be maintained under these regulations be made available to FDA for review and copying.

The agency agrees with the comment and has revised § 106.100(b) (proposed as § 106.100(c)) to clarify this requirement. This section is also revised to require that copies of these records be maintained at the processing plant so that FDA investigators can, upon request, review the records during an inspection of the plant.

Notification Requirements

72. Several comments criticized as unwarranted the proposed requirement in § 106.120 that the manufacturer notify FDA not later than 90 days before the first processing of any new infant formula for commercial or charitable distribution that the formula is not adulterated or misbranded. The comments suggested removal of this proposed requirement. Several comments stated that the act does not require a manufacturer to report the nature of a change in formulation to FDA and suggested that such a requirement in §§ 106.122 and 106.130(a) 2.a. be removed. The comments pointed out that additional inspectional power granted to FDA by the Infant Formula Act of 1980 permits FDA to assess and evaluate any particular change reported. Some comments recommended removal of § 106.130(a)2.b. concerning how a reformulation may affect whether the formula is adulterated. The comments stated that section 412(b)(2) or (3) of the act does not prescribe that the notice must state that the infant formula is not adulterated or misbranded.

The agency believes that the proposed notification requirements may have been too detailed. Therefore, as the result of the comments and the agency's desire to simplify the regulations, proposed §§ 106.120, 106.122, and 106.130 are revised and combined as § 106.120 to eliminate requirements determined to be unnecessary.

The agency points out that the requirement of section 412(b)(1) of the act, which states that a manufacturer of infant formula shall notify FDA every 90 days that each infant formula manufactured provides the nutrients required by the act, will expire upon the effective date of the final rule.

73. One comment suggested that § 106.130(c)(1) (21 CFR 106.130(c)(1)) be changed to require a manufacturer to submit to FDA labels for infant formulas when it submits information about new formulations and reformulations. Another comment suggested requiring that all labels and other labeling be submitted to FDA at least 90 days before all formulation changes. The comment further suggested that the agency establish and publish criteria for labeling review.

The agency does not believe that it is necessary to require manufacturers to submit labels for infant formulas with their report to FDA on new formulations and reformulations, as the agency can obtain labels during factory inspections. To maintain agency information on the subject at one location, the agency is requesting that manufacturers submit labels of new formulas and reformulated products with the report on new formulations and reformulations, as initially specified in the notice on infant formula reporting requirements published in the **Federal Register** of November 21, 1980 (45 FR 77136). The agency does not believe that it needs to establish a formal review system for infant formula labeling, as manufacturers have the primary duty for assuring that their labeling complies with the act and regulations promulgated thereunder. To the extent that FDA may review labeling during factory inspections or at other times, no criteria beyond the act and existing regulations are necessary.

The agency has reviewed the proposal in light of the comments received and has revised it as discussed above. The agency believes that, in comparison with the proposal, the final rule set forth below will give each infant formula manufacturer more flexibility in establishing a quality control system best suited to its individual requirements, while reducing the cost of compliance with the regulation. On the other hand, the final rule should not reduce consumer protection and will reasonably assure the safety and nutritional integrity of infant formulas. The final rule will not impose excessive delays during product manufacture or substantially increase the cost of the product.

The agency has considered the environmental effects of the final rule and has concluded that an environmental impact statement is not required because the action will not significantly affect the quality of the human environment. A copy of the agency's environmental assessment and finding of no significant impact is on file with the Dockets Management Branch, Food and Drug Administration (address above).

The agency has examined the economic consequences of the final regulation in accordance with Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–345, 94 Stat. 1166). The five firms that manufacture infant formula in the United States have cooperated with the agency in a study to determine the cost impact of various regulatory options. As a result of this study, the agency estimates that these regulations will impose first year costs on the five manufacturers of approximately $2 million. About $700,000 of these costs are one time capital expenditures. Recurring operation costs are estimated to increase by about $1.3 million per year. Since annual sales of infant formula exceed $500 million, the cost of compliance with these regulations is not expected to have a perceptible effect on the retail price of infant formula. Therefore, the agency concludes that the impact of these regulations does not involve major economic consequences as defined by Executive Order 12291. In addition, the number and character of firms affected by these regulations enable the agency to certify that this action will not impact on a substantial number of small entities. The assessment supporting these conclusions is on file with the Dockets Management Branch (address above).

The recordkeeping and reporting requirements of the final rule will affect fewer than 10 firms. Therefore, they are not subject to clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

List of Subjects in 21 CFR Part 106

Food grades and standards, Infant formula, Nutrition.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 412, 701(a), 52 Stat. 1055, 94 Stat. 1190 (21 U.S.C. 350a, 371(a))) and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981), Chapter I of Title 21 of the Code of Federal Regulations is amended by adding new Part 106 to read as follows:

PART 106—INFANT FORMULA QUALITY CONTROL PROCEDURES

Subpart A—General Provisions

Sec.

Subpart B—Quality Control Procedures for Assuring Nutrient Content of Infant Formulas

Subpart C—Records and Reports

Subpart D—Notification Requirements

Authority: Secs. 412, 701(a), 52 Stat. 1055, 94 Stat. 1190 (21 U.S.C. 350a, 371(a)).

Subpart A—General Provisions

§ 106.1 Status and applicability of the quality control procedures regulation.

(a) The criteria set forth in §§ 106.20, 106.25, 106.30, 106.90, and 106.100 shall apply in determining whether an infant formula meets the safety, quality, and nutrient requirements of section 412 of the act and the requirements of regulations promulgated under section 412(a)(2) of the act.

(b) The failure to comply with any regulation set forth in §§ 106.20, 106.25, 106.30, 106.90, and 106.100 applicable to the manufacturing, processing, and packaging of an infant formula shall render such formula adulterated under section 412(a)(1)(C) of the act.

(c) References in this part to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

§ 106.3 Definitions.

The definitions and interpretations contained in section 201 of the act are applicable to such terms when used in this part. The following definitions shall also apply:

(a) *Indicator nutrient.* An indicator nutrient is a nutrient whose concentration is measured during the manufacture of an infant formula to confirm complete addition and/or uniform distribution of a premix or other substance of which the indicator nutrient is a part.

(b) *In-process batch.* An in-process batch is a combination of ingredients at any point in the manufacturing process before packaging.

(c) *Manufacturer.* A manufacturer is a person who prepares, reconstitutes, or otherwise changes the physical or chemical characteristics of an infant formula and/or packages the product in a container for distribution.

(d) *Nutrient.* A nutrient is any vitamin, mineral, or other substance required in accordance with the table set out in section 412(g) of the act or by regulations promulgated under section 412(a)(2)(A) of the act.

(e) *Nutrient premix.* A nutrient premix is a combination of ingredients containing two or more nutrients. A nutrient premix either may be received from a supplier or be prepared by an infant formula manufacturer.

Subpart B—Quality Control Procedures for Assuring Nutrient Content of Infant Formulas

§ 106.20 Ingredient control.

(a) Except as provided in § 106.20(b), no analysis before use in manufacturing is needed for ingredients that are generally stable in shipping and storage, and that either are received under a supplier's guarantee or certification that the mixture has been analyzed as to nutrient composition or are labeled as having nutrient compositions complying with specifications in the U.S. Pharmacopeia, the National Formulary, the Food Chemicals Codex, or other similar recognized standards.

(b) Unless each batch of finished product is analyzed as specified in § 106.30(b)(1) before release of product for commercial or charitable distribution, the following shall apply:

(1) When an ingredient is relied upon as a source of a nutrient(s) and when evidence indicates that such nutrient(s) in that ingredient is likely to be affected adversely by shipping or storage conditions, the manufacturer shall analyze that ingredient for each relied-upon nutrient that may be affected, using validated analytical methods.

(2) Ingredients, including nutrient premixes, that are either without a supplier's guarantee or certification, or not labeled as complying with prescribed standards, shall be sampled and analyzed for each relied-upon nutrient by the manufacturer, except that ingredients used as a major source of protein or fat need not be analyzed for each relied-upon nutrient if the manufacturer has records to show that each relied-upon nutrient is present at a reasonably constant level. Nutrient premixes prepared by the infant formula manufacturer shall be sampled and analyzed for each relied-upon nutrient. Nutrient premixes which are received from suppliers shall be sampled and analyzed for each relied-upon nutrient unless the supplier has sampled and

analyzed each batch of premix for each relied-upon nutrient and has so certified in writing.

§ 106.25 In-process control.

(a) For each infant formula, a master manufacturing order shall be prepared and approved by a responsible official of the manufacturer. The manufacturer shall establish a quality control system that assures and verifies the addition of each ingredient specified in the manufacturing order.

(b) Unless each batch of finished product is analyzed as specified in § 106.30(b)(1), the manufacturer shall analyze each in-process batch for:

(1) Solids;

(2) Protein, fat, and carbohydrates (carbohydrates either by analysis or by mathematical difference);

(3) The indicator nutrient(s) in each nutrient premix;

(4) Each nutrient added independently of nutrient premixes during formulation of the product, except for linoleic acid, vitamin D, vitamin K, choline, inositol, and biotin; and

(5) Solids or an appropriate nutrient to confirm proper dilution when final dilution is made after performance of the analyses in paragraph (b) (1) through (4) of this section.

§ 106.30 Finished product evaluation.

(a) The manufacturer shall establish criteria for sampling and testing to ensure that each batch of infant formula meets the nutrient requirements of section 412(g) of the act or of regulations promulgated under section 412(a)(2) of the act before release of product for commercial or charitable distribution.

(b)(1) *Immediate analysis.* Before release of product for commercial or charitable distribution, the manufacturer shall analyze representative samples of each batch of finished product for:

(i) Specific nutrient(s) to assess process degradation; and

(ii) All nutrients not previously analyzed for by the manufacturers, unless each in-process batch is analyzed for nutrients as specified in § 106.25(b) and the ingredients are analyzed as specified in § 106.20(b). No analyses are needed for linoleic acid, vitamin D, Vitamin K, choline, inositol, and biotin; and for nutrients that are added as a part of a nutrient premix analyzed by the manufacturer or having a supplier's guarantee or certification and for which an indicator nutrient(s) was analyzed by the manufacturer.

(2) *Periodic analysis.* The manufacturer shall sample at least one newly processed finished product batch every 3 months and shall analyze representative samples for all nutrients except those that the manufacturers measured in the immediate analysis of that product batch.

(3) *Stability analysis.* Using representative samples collected from finished product batches, the manufacturer shall conduct stability analysis for selected nutrients with sufficient frequency to substantiate the maintenance of nutrient content throughout the shelf life of the product.

(c) The manufacturer shall evaluate new formulations and the effect of changes in ingredients or processing conditions that could affect the level of nutrients by means of a testing program designed to confirm uniformity of batches and to determine the effects of such changes. The following shall apply:

(1) A minor change is a minor reduction in nutrient levels, a minor increase in levels of nutrients that are subject to maximum limits established under section 412(g) of the act or in regulations established under section 412(a)(2) of the act, or any other change where experience or theory would not predict a possible significant adverse impact or nutrient levels or nutrient availability. After a minor change the manufacturer shall analyze representative samples for all nutrients so changed and those possibly affected by the change.

(2) A major change is any new formulation, or any change of ingredients or processes where experience or theory would predict a possible significant adverse impact on levels of nutrients or availability of nutrients. After a major change the manufacturer shall analyze representative samples for osmolality, all nutrients, and the biological quality of the protein. A protein bioligical quality analysis is not necessary for a formulation change that is not expected to have an adverse effect on the biological quality of the protein. Vitamin D shall be determined by the rat bioassay method as prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists" (AOAC), 13th Ed. (1980), section 43.195–43.208, "Vitamin D (30)—Official Final Action," which is incorporated by reference. Copies are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408. Before release of the product for commercial or charitable distribution, the manufacturer shall have completed all appropriate analyses except that shipment of the product need not be delayed until results of the vitamin D bioassay and, if required, a protein biological quality bioassay are complete, provided such bioassays have been initiated, and if another analysis for the vitamin D has been run and the protein content has been determined by a suitable method. The biological quality of the protein shall be determined by an appropriate modification of the AOAC bioassay method of analysis. The manufacturer shall analyze additional samples from the same batch for vitamin D, by any suitable method, and for the biological quality of the protein. The manufacturer shall perform such analyses at least annually for a period not to exceed the expected shelf life of the product.

(d) A simple adjustment in the level of an ingredient to accommodate inconsistencies in processing is considered to be neither a minor nor a major change.

§ 106.90 Coding.

The manufacturer shall code all infant formulas in conformity with the coding requirements that are applicable to thermally processed low-acid foods packaged in hermetically sealed containers as prescribed in § 113.60(c).

Subart C—Records and Reports

§ 106.100 Records.

(a) The manufacturer shall maintain quality control records that contain sufficient information to permit a public health evaluation of any batch of infant formula.

(b) Copies of records required by paragraph (a) of this section shall be retained at the processing plant for a period of time that exceeds the shelf life of the infant formula by 1 year. These records shall be made available to Food and Drug Administration investigators for review and copying upon request.

(c) The recordkeeping and reporting requirements contained in Subpart C of this Part will affect fewer than 10 firms. Therefore, they are not subject to clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

Subpart D—Notification Requirements

§ 106.120 New formulations and reformulations.

(a) Information required by section 412(b)(2) and (3) of the act shall be submitted to Chief, Regulatory Affairs Staff (HFF–204), Bureau of Foods, Food and Drug Administration, 200 C St., SW., Washington, D.C. 20204.

(b) The manufacturer shall promptly notify the Food and Drug Administration when the manufacturer has knowledge

(as defined in section 412(c)(2) of the act) that reasonably supports the conclusion that an infant formula that has been processed by the manufacturer and that has left an establishment subject to the control of the manufacturer may not provide the nutrients required by section 412(g) of the act and by regulations promulgated under section 412(a)(2) of the act, or when there is an infant formula that is otherwise adulterated or misbranded and that may present risk to human health. This notification shall be made, by telephone, to the Director of the appropriate Food and Drug Administration district office specified in § 5.115. After normal business hours (8 a.m. to 4:30 p.m.) the FDA emergency number, 202–737–0448, shall be used. The manufacturer shall send a followup written confirmation to the Division of Regulatory Guidance (HFF–310), Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, and to the appropriate Food and Drug Administration district office specified in § 5.115.

Interested persons may, on or before May 20, 1982, submit to the Dockets Management Branch (address above), written comments regarding this final rule. If FDA decides on the basis of comments received that any changes to the final rule are necessary, it will publish those changes in the **Federal Register**. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above from between 9 a.m. to 4 p.m., Monday through Friday.

Effective date. July 19, 1982.

(Secs. 412, 701(a), 52 Stat. 1055, 94 Stat. 1190 (21 U.S.C. 350a, 371(a)))

Dated: March 24, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: March 30, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82–10699 Filed 4–15–82; 4:22 pm]

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federal register

Tuesday
April 20, 1982

Part V

Department of the Treasury

Office of Foreign Assets Control

Cuban Assets Control Regulations: Travel-Related Transactions

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 515

Cuban Assets Control Regulations: Travel-Related Transactions

AGENCY: Office of Foreign Assests Control, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending § 515.560 of the Cuban Assets Control Regulations to reduce Cuba's hard currency earnings from travel by U.S. persons to and within Cuba. As amended, the general license for travel-related transactions set forth in § 515.560 will be limited to travel for specified purposes, including official travel, visits to close relatives, and travel connected with research, newsgathering, or similar activities. Transactions relating to ordinary tourist or business travel will no longer be permitted. However, specific licenses may be granted in appropriate cases for humanitarian reasons or for purposes of public performances in Cuba, as in connection with cultural or sports-related activities.

The processing and payment of credit card instruments, and transactions in connection with the extension of credit to any person in Cuba, are no longer authorized.

EFFECTIVE DATE: May 15, 1982.

FOR FURTHER INFORMATION CONTACT: Raymond W. Konan, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, telephone (202) 376–0236.

SUPPLEMENTARY INFORMATION: Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

Similarly, because the amendment is issued with respect to a foreign affairs function of the United States, it is not subject to Executive Order 12291 of February 19, 1981, dealing with Federal regulations.

List of Subjects in 31 CFR Part 515

Cuba, Foreign assets control.

PART 515—CUBAN ASSETS CONTROL REGULATIONS

31 CFR Part 515 is amended as follows:

Section 515.560 is revised to read as follows:

§ 515.560 Certain transactions incident to travel to and within Cuba.

(a)(1) *General license.* The transactions in paragraph (c) of this section are authorized in connection with travel to Cuba by (i) persons who are officials of the United States Government or of any foreign government, or of any intergovernmental organization of which the United States is a member, and who are traveling on official business; (ii) persons who are traveling for the purpose of gathering news, making news or documentary films, engaging in professional research, or for similar activities; or (iii) persons, and persons traveling with them who share a common dwelling as a family with them, who are traveling to visit close relatives in Cuba.

(2) For purposes of this section, the term "close relative" means spouse, child, grandchild, parent, grandparent, uncle, aunt, brother, sister, nephew, niece, first cousin, or spouse, widow, or widower of any of the foregoing.

(3) The general license contained in this section does not authorize transactions in connection with tourist travel to Cuba, nor does it authorize transactions in connection with business travel undertaken for any purposes other than those set forth in paragraph (a)(1) of this section.

(b) *Specific Licenses.* Specific licenses authorizing the transactions in paragraph (c) of this section will be issued in appropriate cases to persons desiring to travel to Cuba for humanitarian reasons, or for purposes of public performances, public exhibitions, or similar activities.

(c) The following transactions are authorized in connection with travel to and within Cuba by persons licensed under paragraphs (a) and (b) of this section:

(1) All transportation-related transactions ordinarily incident to travel to and from Cuba.

(2) All transactions ordinarily incident to travel within Cuba, including payment of living expenses and the acquisition in Cuba of goods for personal consumption there.

(3) The purchase in Cuba, and importation as accompanied baggage, of merchandise with a foreign market value not to exceed $100 per person. This authorization may be used only once in every six consecutive months. Single copies of publications do not count against the $100 limit set forth in this subparagraph. For purposes of this section, the term "publications" includes books, newspapers, magazines, films, phonograph records, tapes, photographs, microfilm, microfiche, posters, and similar materials. All merchandise and publications obtained pursuant to this subparagraph shall be for noncommercial use only and shall not be resold.

(4) All transactions by any person incident to arranging or assisting travel by any other person or group of persons to, from, or within Cuba. This authorization includes arranging through transportation to Cuba; selling passage aboard a foreign carrier providing regularly scheduled service to Cuba from points outside the United States; chartering an aircraft or vessel; arranging hotel accommodations, ground transportation, local tours and similar travel activities in Cuba; transfer of funds to Cuba or any national thereof; and receipt from Cuba or a national thereof of consideration for authorized services.

(5) All transactions concerning aircraft or vessels incidental to their nonscheduled flights or voyages to, from, or within Cuba. This subparagraph does not authorize the carriage of any merchandise to and from Cuba, except accompanied baggage and merchandise, including publications, authorized by subparagraph (c)(3) of this section.

(6) All transactions incident to the processing and payment of checks, drafts, traveler's checks, and similar instruments negotiated in Cuba by any person under the authority of this section.

(d)(1) This section does not authorize the processing and payment by persons subject to U.S. jurisdiction, such as credit card issuers or intermediary banks, of credit card instruments (*e.g.*, vouchers, drafts, or sales receipts) for expenditures in Cuba, and does not authorize a domestic credit card issuer, or a foreign credit card firm owned or controlled by U.S. persons, to deal with a Cuban enterprise or with a third-country party, such as a franchisee, in connection with the extension of credit to any person in Cuba.

(2) Persons subject to U.S. jurisdiction are hereby authorized to process and pay credit card instruments for expenditures in Cuba where such instruments are dated prior to May 15, 1982. The authorization contained in this subparagraph shall expire at the close of business on July 15, 1982.

(e) Persons who travel to Cuba for the purpose of gathering news, making news or documentary films, engaging in professional research, or for similar activities are authorized to acquire and import into the United States, as accompanied baggage or otherwise,

such publications, as defined in paragraph (c)(3) of this section, as are directly related to their professional activities, without limitation as to value. Such merchandise may be acquired and imported only for their own professional use or that of their employers at the time of the travel, and may not be sold to other persons.

(f) Persons who travel in Cuba pursuant to provisions of this section shall not become nationals of Cuba solely because of such travel. This paragraph does not authorize any transaction prohibited by any other section of this part.

(g) This section does not authorize any person subject to the jurisdiction of the United States to make any investment in Cuba, establish any branch or agency in Cuba, or transfer any property to Cuba, except transfers by or on behalf of individual or group travelers, and aircraft or vessels, as expressly authorized in this section.

(Sec. 5, 40 Stat. 415, as amended, 50 U.S.C. App. 5; 75 Stat. 445, 22 U.S.C. 2370(a); Proc. 3447, 27 FR 1085, 3 CFR, 1959–1963 Comp.; E.O. 9193, 7 FR 5205, 3 CFR, Cum. Supp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943–1948 Comp., p. 748)

Dated: April 19, 1982.

Dennis M. O'Connell,

Director.

Approved:

John M. Walker, Jr.,

Assistant Secretary.

[FR Doc. 82-10978 Filed 4-19-82; 12:21 pm]

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657 ... 15341
671 ... 16339
Proposed Rules:
Ch. I ... 16936
Ch. IV ... 16936
20 ... 15614, 16718
23 ... 14472, 14664
83 ... 14739
91 ... 16810
285 ... 14501

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing April 15, 1982

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S.J. Res. 67 / Pub. L. 97–172 To establish National Nurse-Midwifery Week. (Apr. 16, 1982; 96 Stat. 68) Price: $1.50.